

Revenue Code of 1954 to provide that an individual 65 years of age or over may elect to treat services performed by him as non-covered (and exempt from tax) for social security purposes; to the Committee on Ways and Means.

By Mr. BROCK:

H.R. 18164. A bill to provide additional readjustment assistance to veterans who served in the Armed Forces during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CUNNINGHAM:

H.R. 18165. A bill to designate Columbus Day, the 12th day of October in each year, a legal holiday; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 18166. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer who has two or more dependents and is a full-time student at an educational institution or vocational school to deduct the cost of his tuition at such institution or school; to the Committee on Ways and Means.

By Mr. GOODELL:

H.R. 18167. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. ICHORD:

H.R. 18168. A bill to amend the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

H.R. 18169. A bill to amend title 37, United States Code, to authorize, under certain conditions, travel and transportation allowances for members of the uniformed services in connection with emergency leave, and for other purposes; to the Committee on Armed Services.

By Mr. CHAMBERLAIN:

H.R. 18170. A bill to amend title 37, United States Code, to authorize, under certain conditions, travel and transportation allowances for members of the uniformed services in connection with emergency leave, and for other purposes; to the Committee on Armed Services.

By Mr. RANDALL:

H.R. 18171. A bill to amend title 37, United States Code, to authorize, under certain conditions, travel and transportation allowances for members of the uniformed services in connection with emergency leave, and for other purposes; to the Committee on Armed Services.

H.R. 18172. A bill to amend the Packers and Stockyards Act of 1921, as amended, to prohibit feeding of livestock by certain packers, and for other purposes; to the Committee on Agriculture.

By Mr. ADDABBO:

H.R. 18173. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 18174. A bill to grant the consent of the United States to the Arkansas River Basin compact, Kansas-Oklahoma; to the Committee on Public Works.

By Mr. EDWARDS of California:

H.R. 18175. A bill to make the antitrust laws and the Federal Trade Commission Act applicable to the organized professional team sports of baseball, football, basketball, and hockey and to limit the applicability of such laws so as to exempt certain aspects of the organized professional team sports of baseball, football, basketball, and hockey, and for other purposes; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 18176. A bill to amend section 209 of the Merchant Marine Act, 1936, so as to re-

quire future authorization of funds for certain programs of the Maritime Administration; to the Committee on Merchant Marine and Fisheries.

By Mr. GILBERT:

H.R. 18177. A bill to authorize the merger of two or more professional football leagues, and to protect football contests between secondary schools from professional football telecasts; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 18178. A bill to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of merchant marine personnel; to the Committee on Merchant Marine and Fisheries.

By Mr. LANGEN:

H.R. 18179. A bill to consent to an agreement between the State of Minnesota and the Province of Manitoba, Canada, providing for an access highway to the northwest angle in the State of Minnesota, and to authorize the Secretary of Commerce to pay Minnesota's share of the cost of such highway; to the Committee on Foreign Affairs.

By Mr. MAILLIARD:

H.R. 18180. A bill to amend section 209 of the Merchant Marine Act, 1936, so as to require future authorization of funds for certain programs of the Maritime Administration; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 18181. A bill to prescribe penalties for certain acts of violence or intimidation, and for other purposes; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.J. Res. 1313. Joint resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning October 2 and ending October 8 of each year as "Spring Garden Planting Week"; to the Committee on the Judiciary.

By Mr. RODINO:

H. Res. 1041. Resolution urging Americans of all faiths to pray for peace in Vietnam; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GLENN ANDREWS:

H.R. 18182. A bill for the relief of John Thomas Cosby, Jr.; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 18183. A bill for the relief of Mr. Orlando Leone and his wife, Mrs. Silvia Leone; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 18184. A bill for the relief of Salvatore Miceli and Santo Maria Rita Miceli; to the Committee on the Judiciary.

By Mr. McVICKER:

H.R. 18185. A bill for the relief of Malcolm Richard McDonald; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 18186. A bill for the relief of Mun-Bae Chong; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 18187. A bill for the relief of Swami Abhay Charanavindr Bhaktivedanta; to the Committee on the Judiciary.

By Mr. RHODES of Arizona:

H.R. 18188. A bill for the relief of Mr. and Mrs. Harry B. Laser and Shirley Laser; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 18189. A bill for the relief of Mrs. Lora Arguzon Cudanin; to the Committee on the Judiciary.

SENATE

TUESDAY, OCTOBER 4, 1966

The Senate met at 12 o'clock meridian, and was called to order by Hon. EDMUND S. MUSKIE, a Senator from the State of Maine.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal Spirit, in whom alone is the strength of our hearts and the hope of our world, we bow reverently in our noontide fellowship of prayer; for Lord, Thou hast been our dwelling place in all generations.

For a thousand years in Thy sight are but as yesterday when it is past, and as a watch in the night.

So teach us to number our days, that we may apply our hearts unto wisdom. Let Thy work appear unto Thy servants, and Thy glory unto their children.

And let the beauty of the Lord our God be upon us; and establish Thou the work of our hands upon us; yea the work of our hands establish Thou it.

As we face the questions which confront us, and almost confound us, give us to know clearly the things that belong to our peace and to the peace of the world in righteousness and justice.

"That we may tell our sons who see the light

High in the heavens, their heritage to take;

I saw the powers of darkness put to flight,

I saw the morning break."

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 4, 1966.
To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDMUND S. MUSKIE, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MUSKIE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the proceedings of Monday, October 3, 1966, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of October 3, 1966,

Mr. MORSE, from the Committee on Labor and Public Welfare, reported favorably, with amendments, on October 3, 1966, the bill (S. 3046) to strengthen

and improve programs of assistance for our elementary and secondary schools, and submitted a report (No. 1674) thereon, which was printed.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on October 3, 1966, the President had approved and signed the following acts:

- S. 372. An act for the relief of Antonio Jesus Senra (Rodriguez) and his wife, Mercedes M. Miranda de Senra;
- S. 993. An act for the relief of Dr. Oscar Valdes Cruz;
- S. 1120. An act for the relief of Dr. Ortello Rodriguez Perez;
- S. 1474. An act to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government;
- S. 2348. An act for the relief of Dr. Jorge G. Echenique;
- S. 2376. An act for the relief of Dr. Mario Presman;
- S. 2447. An act for the relief of Dr. Arturo Victor Fajardo-Carpio;
- S. 2529. An act for the relief of Dr. Felix Hurtado Perez;
- S. 2626. An act for the relief of Dr. Argyrios A. Tsifutis;
- S. 2789. An act for the relief of Dr. Alberto Otelza;
- S. 2796. An act for the relief of Dr. Rafael Anrrich;
- S. 2865. An act for the relief of Dr. Alfredo Hernandez;
- S. 2869. An act for the relief of Dr. Jose Enrique Diaz;
- S. 2945. An act for the relief of Dr. Jalme E. Condom Valera;
- S. 2946. An act for the relief of Dr. Mario v. Machado Espinosa;
- S. 3189. An act for the relief of Dr. Alonso Portuondo;
- S. 3261. An act to authorize the Secretary of the Interior to convey certain lands in the State of Maine to the Mount Desert Island Regional School District;
- S. 3272. An act for the relief of Dr. Jacobo Albo Maya; and
- S. 3510. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,
The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2434) to clarify authorization for the approval by the Administrator of the

Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purposes.

The message also announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

- S. 985. An act to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes;
- S. 1607. An act to amend the act of September 13, 1962, authorizing the establishment of the Point Reyes National Seashore in the State of California, and for other purposes;
- S. 1674. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;
- S. 2218. An act to establish a contiguous fishery zone beyond the territorial sea of the United States;
- S. 3460. An act to authorize the Secretary of the Interior to enter into contracts for scientific and technological research, and for other purposes; and
- S.J. Res. 108. Joint resolution to amend the joint resolution providing for membership of the United States in the Pan American Institute of Geography and History and to authorize appropriations therefor.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

- S. 2102. An act to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas;
- S. 2720. An act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate;
- S. 2770. An act to control the use of the design of the great seal of the United States and of the seal of the President of the United States;
- S. 3112. An act to amend the Clean Air Act so as to authorize grants to air pollution control agencies for maintenance of air pollution control programs in addition to present authority for grants to develop, establish, or improve such programs; make the use of appropriations under the act more flexible by consolidating the appropriation authorizations under the act and deleting the provision limiting the total of grants for support of air pollution control programs to 20 per centum of the total appropriation for any year; extend the duration of the programs authorized by the act; and for other purposes;
- S. 3298. An act to amend the Federal Hazardous Substances Labeling Act to ban hazardous toys and articles intended for children, and other articles so hazardous as to be dangerous in the household regardless of labeling, and to apply to unpackaged articles intended for household use, and for other purposes; and
- S. 3433. An act to make it a criminal offense to steal, embezzle, or otherwise unlawfully take property from a pipeline, and for other purposes.

The message also announced that the House had disagreed to the amendments

of the Senate to the bill (H.R. 9323) to amend the law establishing the Indian revolving loan fund; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HALEY, Mr. O'BRIEN, Mr. EDMONDSON, Mr. SAYLOR, and Mr. BERRY were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 491) to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16559) to amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of marine resources, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8126) to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and overtime compensation protection, and improved means of enforcement.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H.R. 14355. An act to amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act to make certain technical changes, to provide for survivor benefits to children ages 18 to 21, inclusive, and for other purposes; and
- H.R. 17285. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3830) to amend the Atomic Energy Act of 1954, as amended, and it was signed by the Acting President pro tempore.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Labor and Public Welfare:

- H.R. 14355. An act to amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act to make certain technical changes, to provide for survivor benefits to children ages 18 to 21, inclusive, and for other purposes; and
- H.R. 17285. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes.

**AMENDMENT OF SECTION 245 OF
IMMIGRATION AND NATIONALITY
ACT—REPORT OF A COMMITTEE—
ADDITIONAL COSPONSORS OF
BILL (S. REPT. NO. 1675)**

Mr. KENNEDY of Massachusetts. Mr. President, from the Committee on the Judiciary, I report favorably, with amendments, the bill (S. 3712) I introduced to adjust the status of Cuban refugees in the United States and for other purposes. I also submit a report on this bill and ask that it be printed.

I also ask unanimous consent that the names of the senior Senator from Illinois [Mr. DOUGLAS]; the senior Senator from Hawaii [Mr. FONG]; the senior Senator from Michigan [Mr. HART]; the senior Senator from New York [Mr. JAVITS]; the junior Senator from New York [Mr. KENNEDY]; and the junior Senator from Pennsylvania [Mr. SCOTT]; the junior Senator from Florida [Mr. SMATHERS]; and the junior Senator from Maryland [Mr. TYDINGS], be added as cosponsors of the bill, as amended.

I would hope this bill to regularize the immigration status of Cuban refugees in the United States will receive the speedy consideration of the Senate. It is an important bill, reaffirming our traditional humanitarian concern for refugees given asylum on our shores. A similar bill (H.R. 15183) passed the other body on September 19.

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the names will be added and the report will be printed, as requested by the Senator from Massachusetts.

**PRINTING AS A SENATE DOCUMENT
OF THE PROCEEDINGS ON THE
RETIREMENT OF EMERY L. FRAZIER
AS SECRETARY OF THE
SENATE**

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader [Mr. DIRKSEN] and myself, I ask unanimous consent that the statements made on Friday, September 30, and which may be made in the next few days, on the retirement of our colleague and associate, Emery L. Frazier, may be printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**BILLS AND JOINT RESOLUTION
INTRODUCED**

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA:

S. 3878. A bill to amend the National Firearms Act, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. PROXMIER:

S. 3879. A bill for the relief of Damiana Iemmito; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S.J. Res. 197. Joint resolution to extend the authority of the Postmaster General to enter

into leases of real property for periods not exceeding 30 years, and for other purposes; which was ordered to a third reading, read the third time, and passed.

(See the remarks of Mr. RANDOLPH when he introduced the above joint resolution, which appear under a separate heading.)

**CONCURRENT RESOLUTION
SUSPENSION OF REGULATIONS ON
DIET SUPPLEMENTS UNTIL CON-
GRESS ACTS**

Mr. MOSS submitted a concurrent resolution (S. Con. Res. 111) to suspend regulations on diet supplements until Congress acts, which was referred to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MOSS when he submitted the above concurrent resolution, which appear under a separate heading.)

**COMMITTEE MEETINGS DURING
SENATE SESSION**

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The Permanent Subcommittee on Investigations of the Committee on Government Operations.

The Subcommittee on Constitutional Rights of the Committee on the Judiciary.

**LIMITATION ON STATEMENTS DURING
THE TRANSACTION OF ROUTINE
MORNING BUSINESS**

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

**DESTRUCTIVE DEVICES AND THE
NATIONAL FIREARMS ACT**

Mr. HRUSKA. Mr. President, several weeks ago during the course of Senate floor remarks on the subject of Federal firearms control legislation, I expressed my intention to introduce a bill to amend the National Firearms Act of 1934 to include the so-called destructive devices—rockets, bazookas, heavy field artillery, and the like.

The bill which I introduce today, will accomplish that purpose. It is drafted to serve as a companion bill to S. 3767, my bill to amend the Federal Firearms Act of 1938.

The need for Federal control of destructive devices is clear. While these weapons have not been a factor in the commission of a serious crime in the United States to date, it is generally conceded that there are no sporting purposes for which they are suited.

The only substantive issue to be resolved concerning their regulation centers around the most appropriate and effective means of accomplishing the intended purpose. There are two choices possible: include them in the National Firearms Act of 1934, or the Federal Firearms Act of 1938.

The National Firearms Act presently regulates the commerce in automatic

weapons such as machineguns and sawed-off rifles and shotguns by imposing heavy taxes on the manufacture, sale, and possession of these items. Also, National Act weapons must be registered.

The Federal Firearms Act of 1938 regulates the manufacture and sale of sporting type firearms—rifles, shotguns, and handguns. It also establishes Federal licensing requirements for manufacturers and dealers of sporting arms and ammunition.

Certain proponents of current Federal firearms legislation have suggested both approaches to the regulations of destructive devices. The distinguished Senator from Connecticut [Mr. DOB] introduced S. 1591 last year. This bill would bring destructive devices within the framework of the national act. He has also introduced S. 1592. This latter bill, among its many provisions, would include destructive devices within the Federal act and impose the additional requirement of prior approval of the local police chief before they could be sold.

To the best of my knowledge, no one has seriously contended that destructive devices should be included in both acts. Apparently, the two bills introduced by the Senator from Connecticut were meant to be alternative approaches to deal with the problem.

During last year's firearms hearings in both the Senate and House, strong objections were raised to their inclusion in the Federal Firearms Act since that act deals with weapons suited for and universally used as sporting weapons. On the other hand, many witnesses supported bringing the destructive devices within coverage on the National Firearms Act along with machineguns and other gangster-type weapons.

MAJOR PROVISIONS OF THIS BILL

The major provisions of my bill that amend the National Firearms Act bill are as follows:

First. Destructive devices are included in the National Firearms Act.

Second. Destructive devices are defined to include explosives, bombs, grenades, rockets, missiles, mines, and any weapons having a bore diameter of 0.78 inch, or larger.

Exempted from the definition are rifles and shotguns, line-throwing devices, firearms using black powder, devices not designed or used as weapons, and devices to be used by the U.S. Government.

Third. Weapons presently covered by the National Act—machineguns, sawed-off rifles and shotguns—are redefined to include the frame or receiver of these weapons and any such weapon which can be readily restored to firing condition.

Fourth. A copy of the order form for the transfer tax and the declaration form for manufacturing of National Act weapons must be submitted to the purchaser's or maker's local police chief.

Fifth. It is made unlawful for any person to possess a National Act weapon in the State where he resides which he obtained outside his State if it is unlawful for him to purchase or possess the weapon in his own State or locality.

Sixth. It is made unlawful for persons under 21 to possess National Act weapons.

Seventh. The maximum penalties are increased from \$5,000 to \$10,000 and from 2 years to 10 years imprisonment. Sentenced offenders are made eligible for parole in the discretion of the U.S. Board of Parole.

DIFFERENCES WITH S. 1591

My bill differs from S. 1591 in several respects. Its definition of "destructive devices" is carefully drawn to exclude categories of weapons which should not be covered in the national act. Among those excluded would be certain elephant or big game guns having a bore diameter of larger than .50 caliber, the cutoff point of S. 1591's definition; black powder weapons, mostly obsolete muzzle loaders of the Civil War era; and rockets having propellant charges of 4 or less ounces—this would exclude model rockets such as those built under the auspices of the National Association of Rocketry.

The bill here introduced does not increase the occupational and transfer

taxes provided presently in the National Act while S. 1591 doubles all such taxes. There are two reasons for this: First. The present tax appears to be sufficient to discourage all but a very minimal commerce in the National Act weapons; and second, S. 1591 is a revenue measure with the tax increase provision in it. This latter provision of S. 1591 appears to raise a serious doubt as to its constitutionality since all revenue bills must originate in the House of Representatives.

Two new "unlawful acts" provisions are added to my bill which are not contained in S. 1591. It would be unlawful for any person to possess a national act weapon in the State of his residence which he obtained outside of his State, if it were unlawful for him to purchase the weapon in his own State. Also, all persons under the age of 21 would be prohibited from making, purchasing, or possessing national act weapons.

Finally, the maximum penalty provisions in my bill are increased from the present \$2,000 fine and 5-year prison term to a \$10,000 fine and 10-year term. Also, sentenced violators are made eligible for parole in the discretion of the U.S. Board of Parole.

Mr. President, I ask unanimous consent that the text of this bill and an explanatory table be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and explanatory statement will be printed in the Record.

The bill (S. 3878) to amend the National Firearms Act, and for other purposes, introduced by Mr. Hruska, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, together with an explanatory statement, as follows:

S. 3878

A bill to amend the National Firearms Act, and for other purposes.

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 5848 of the Internal Revenue Code of 1954 is amended by inserting after "or a machine gun," the words "or a destructive device,".

(b) Paragraph (2) of section 5848 of the Internal Revenue Code of 1954 is amended by inserting after the words "or is designed to shoot," the words "or which can readily be restored to shoot," and by striking out the period at the end thereof, and inserting after the word "trigger" the words ", and shall include (A) the frame or receiver of any such weapon, and (B) any combination of parts designed and intended for use in converting a weapon, other than a machine gun, into a machine gun".

(c) Section 5848 of the Internal Revenue Code of 1954 is amended by renumbering paragraphs (3), (4), (5), (6), (7), (8), (9), (10), and (11) as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), and (12) respectively, and by inserting after paragraph (2) a new paragraph (3) as follows:

"(3) The term 'destructive device' means (A) any explosive or incendiary (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile, (v) mine, or (vi) similar device; (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive, the barrel or barrels of which have a bore of more than .78 inches in diameter; or (C) any combination of parts designed and intended for use in converting any device into a destructive device. The term 'destructive device' shall not include (i) any device which is not designed or redesigned or used on intended for use as a weapon, (ii) any device, although originally designed as a weapon, which is redesigned for use or is used as a signaling, pyrotechnic, line throwing, safety, or similar device, (iii) any shotgun or rifle, (iv) any firearm designed

NATIONAL FIREARMS ACT

(As amended to June 1, 1960)

United States Code, title 26, sections 5801-5862

SEC. 5848. DEFINITIONS.

For purposes of this chapter—

(1) FIREARM.—The term "firearm" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapons as modified has an overall length of less than 26 inches, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition.

(2) MACHINE GUN.—The term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manual reloading, by a single function of the trigger.

COMMENTS

The definition of "firearm" is amended to include "destructive devices."

The definition of "machine gun" is amended to include weapons which can be readily restored to shoot automatically, machine gun frames or receivers, and parts for conversion of weapons into machine guns.

A new definition of "destructive device" is added which includes explosives, bombs, grenades, rockets or any weapon with a bore of .78 inches or more.

Specific exclusions from the definition include rifles and shotguns, signalling and line throwing devices, black powder firearms, firearms provided by the Secretary of Army for the National Board for the Promotion of Rifle Practice, and any other weapons which the Secretary of Treasury finds are not likely to be used as destructive devices.

S. 3878

NATIONAL FIREARMS ACT
(As amended to June 1, 1960)

COMMENTS

for use with black powder, regardless of when manufactured, (v) surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of section 4684 (2), 4685, or 4686 of title 10 of the United States Code, (vi) any device which the Secretary finds is used exclusively by the United States or any department or agency thereof, or (vii) any other device which the Secretary finds is not likely to be used as a weapon."

(d) Paragraph (4) of section 5848 of the Internal Revenue Code of 1954 (as renumbered) is amended by striking out the period at the end thereof and inserting the words ", and shall include the frame or receiver of any such weapon, and any such weapon which can readily be restored to firing condition."

(e) Paragraph (5) of section 5848 of the Internal Revenue Code of 1954 (as renumbered) is amended by striking out the period at the end thereof and inserting the words ", and shall include the frame or receiver of any such weapon, and any such weapon which can readily be restored to firing condition."

SEC. 2. Section 5803 of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 5803. EXEMPTIONS.

"The tax imposed by section 5801 shall not apply to any importer, manufacturer, or dealer all of whose business as an importer, manufacturer, or dealer is conducted with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any such importer, manufacturer, or dealer from compliance with any provision of this chapter with respect to the conducting of such business."

(3) **RIFLE.**—The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge, to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) **SHOTGUN.**—The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

SEC. 5803. EXEMPTIONS.

For provisions exempting certain transfers, see section 5812.

SEC. 5812. EXEMPTIONS.

(a) **TRANSFERS EXEMPT.**—This chapter shall not apply to the transfer of firearms—

(1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia;

(2) to any peace officer or any Federal officer designated by regulations of the Secretary or his delegate;

(3) to the transfer of any firearm which is unserviceable and which is transferred as a curiosity or ornament.

(b) **NOTICE OF EXEMPTION.**—If the transfer of a firearm is exempted as provided in subsection (a), the person transferring such firearm shall notify the Secretary or his delegate of the name and address of the applicant, the number or other mark identifying such firearm, and the date of its transfer, and shall file with the Secretary or his delegate such documents in proof thereof as the Secretary or his delegate may by regulations prescribe.

(c) **EXEMPTION FROM OTHER TAXES.**—

For exemption from excise tax on pistols, revolvers, and firearms, see section 4182(a).

SEC. 5814. ORDER FORMS.

(a) **GENERAL REQUIREMENTS.**—It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in blank in duplicate for that purpose by the Secretary or his delegate. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this chapter: *Provided*, That, if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.

(b) **CONTENTS OF ORDER FORM.**—Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Secretary or his delegate. The original thereof, with stamp affixed, shall be returned to the applicant.

(c) **EXEMPTION IN CASE OF REGISTERED IMPORTERS, MANUFACTURERS, AND DEALERS.**—Importers, manufacturers, and dealers who have registered and paid the tax as provided for in this chapter shall not be required to conform to the provisions of this section with respect to transactions in firearms with deal-

The definition of rifle is amended to include its frame or receiver and any weapon which can readily be restored to firing condition.

The definition of shotgun is amended to include its frame or receiver and any weapon which can readily be restored to firing condition.

The exemptions from payment of the "occupational" tax provided in Section 5801 are restated and clarified.

The number of order forms to be submitted is increased from two to three so that one may be forwarded to the purchaser's local police chief.

The identification required in the application to purchase a "National Act" firearm is amended to include the applicant's age.

One copy of the application must be sent to the purchaser's local police chief.

SEC. 3. (a) Section 5814 of the Internal Revenue Code of 1954 is amended by—

(1) striking out the word "duplicate" in the first sentence of subsection (a) and inserting in lieu thereof "triplicate";

(2) inserting before the period in the second sentence of subsection (a) thereof the following: "and the age of such applicant"; and

(3) striking out "a copy" in the first sentence of subsection (b), inserting in lieu thereof "one copy", and adding before the period in such sentence the following: "and one copy to the principal law enforcement officer of the locality wherein he resides."

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ers or manufacturers if such dealers or manufacturers have registered and have paid such tax, but shall keep such records and make such reports regarding such transactions as may be prescribed by regulations under this chapter.

(d) **SUPPLY.**—The Secretary or his delegate shall cause suitable forms to be prepared for the purposes of subsection (a), and shall cause the same to be distributed to officers designated by him.

PART III—TAX ON MAKING FIREARMS

SEC. 5821. RATE, EXCEPTIONS, ETC.

(e) **DECLARATION.**—It shall be unlawful for any person subject to the tax imposed by subsection (a) to make a firearm unless, prior to such making, he has declared in writing his intention to make a firearm, has affixed the stamp described in subsection (d) to the original of such declaration, and has filed such original and a copy thereof. The declaration required by the preceding sentence shall be filed at such place, and shall be in such form and contain such information, as the Secretary or his delegate may by regulations prescribe. The original of the declaration, with the stamp affixed, shall be returned to the person making the declaration. If the person making the declaration is an individual, there shall be included as part of the declaration the fingerprints and a photograph of such individual.

SEC. 5843. IDENTIFICATION OF FIREARMS.

Each manufacturer and importer of a firearm shall identify it with a number and other identification marks approved by the Secretary or his delegate, such number and marks to be stamped or otherwise placed thereon in a manner approved by the Secretary or his delegate.

SEC. 5841. REGISTRATION OF PERSONS IN GENERAL.

Every person possessing a firearm shall register, with the Secretary or his delegate, the number or other mark identifying such firearm, together with his name, address, place where such firearm is usually kept, and place of business or employment, and, if such person is other than a natural person, the name and home address of an executive officer thereof. No person shall be required to register under this section with respect to a firearm which such person acquired by transfer or importation or which such person made, if provisions of this chapter applied to such transfer, importation, or making, as the case may be, and if the provisions which applied thereto were complied with.

SEC. 5850. MUTUAL SECURITY ACT OF 1954.
"Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war."
(b) The table of sections in subchapter B of chapter 53 of the Internal Revenue Code of 1954 is amended by adding at the end thereof:

"SEC. 5856. UNLAWFUL POSSESSION IN VIOLATION OF STATE LAW.
"It shall be unlawful for any person to possess in the State where he resides a firearm purchased or otherwise obtained by him outside the State where he resides if it would be unlawful for him to purchase or possess such firearm in the State (or political subdivision thereof) where he resides.

"SEC. 5857. UNLAWFUL POSSESSION BY A PERSON UNDER 21 YEARS OF AGE.
"It shall be unlawful for any person who is not twenty-one years or more of age to possess a firearm."

(b) The table or sections in subchapter C of chapter 53 of the Internal Revenue Code

COMMENTS

Any person making a "National Act" firearm must include his age in the declaration.

A copy of the declaration must be sent to the applicant's local police chief.

The identification provision is expanded to include firearms not having serial numbers by requiring identification as the Secretary may prescribe.

The second sentence of the registration provision is stricken to eliminate the constitutional challenges of self-incrimination which were raised in two recent Circuit Court of Appeals cases. *Russell v. U.S.* 306 F. 2d 402 (1962); *Dugan v. U.S.* 341 F. 2d 85 (1965).

A provision is added to eliminate overlapping and conflicts with the Act which regulates importation of "implements of war."

It is a violation of the Act for any person to purchase a "National Act" firearm outside his state of residence and bring it into his state if it is unlawful for him to purchase the weapon in his own state.

Persons under the age of 21 may not possess "National Act" weapons.

Technical provision to amend subtitles so as to reflect the two new sections above which are added to the Act.

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of 1954 is amended by adding at the end thereof:

"SEC. 5856. UNLAWFUL POSSESSION IN VIOLATION OF STATE LAW.

"SEC. 5857. UNLAWFUL POSSESSION BY A PERSON UNDER 21 YEARS OF AGE."

SEC. 7. Section 5861 of the Internal Revenue Code is amended to read as follows:

"SEC. 5861. PENALTIES.

"Any person who violates or fails to comply with any of the requirements of this chapter shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine."

SEC. 8. (a) The proviso in paragraph (3) of subsection (a) of section 5801 of the Internal Revenue Code of 1954 is amended by striking out the words "under section 5848 (5)" and inserting in lieu thereof the words "under section 5848 (6)".

(b) The proviso in subsection (a) of section 5811 of this Internal Revenue Code of 1954 is amended by striking out the words "under section 5848 (5)" and inserting in lieu thereof the words "under section 5848 (6)".

(c) Subsection (d) of section 5885 of the Internal Revenue Code is amended to read as follows:

"(d) Definition of Machine Gun.—As used in this section the term 'machine gun' has the same meaning assigned to it in section 5848 (2)."

(d) Definition of Machine Gun.—As used in this section the term 'machine gun' has the same meaning assigned to it in section 5848 (2)."

SEC. 9. (a) This Act shall take effect on the first day of the sixth month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a), any person required to register a firearm under the provisions of section 5841 of the Internal Revenue Code of 1954 by reason of the amendments to section 5848 of such Code contained in the first section of this Act, shall have ninety days from the effective date of this Act to register such firearm, and no liability (criminal or otherwise) shall be incurred in respect to failure to so register under such section prior to the expiration of such ninety days.

SUSPENSION OF REGULATIONS ON DIET SUPPLEMENTS UNTIL CONGRESS ACTS

Mr. MOSS. Mr. President, recently the Food and Drug Administration proposed regulations to reform the vitamin and dietary foods industry. These reg-

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SEC. 5861. PENALTIES.

Any person who violates or fails to comply with any of the requirements of this chapter shall, upon conviction be fined not more than \$2,000, or be imprisoned for not more than 5 years, or both, in the discretion of the court.

SEC. 5801. TAX.

(a) RATE. On first engaging in business, and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special tax at the following rates:

(1) IMPORTERS OR MANUFACTURERS.—Importers or manufacturers, \$500 a year or fraction thereof;

(2) DEALERS OTHER THAN PAWNBROKERS.—Dealers, other than pawnbrokers, \$200 a year or fraction thereof;

(3) PAWNBROKERS.—Pawnbrokers, \$300 a year or fraction thereof: *Provided*, That manufacturers and dealers in guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and manufacturers and dealers in guns classified as "any other weapon" under section 5848 (5), shall pay the following taxes: Manufacturers, \$25 a year or fraction thereof; dealers, \$10 a year or fraction thereof.

SEC. 5811. TAX.

(a) RATE.—There shall be levied, collected, and paid on firearms transferred in the United States a tax at the rate of \$200 for each firearm: *Provided*, That the transfer tax on any gun with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and on any gun classified as "any other weapon" under section 5848 (5), shall be at the rate of \$5. The tax imposed by this section shall be in addition to any import duty imposed on such firearm.

(b) BY WHOM PAID.—Such tax shall be paid by the transferor: *Provided*, That if a firearm is transferred without payment of such tax the transferor and transferee shall become jointly and severally liable for such tax.

(c) HOW PAID.—

(1) STAMPS.—Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Secretary or his delegate.

(d) CROSS REFERENCE.—

(1) For assessment in case of omitted taxes payable by stamp, see sections 6155(a), 6261(a) (2) (A), 6601(c) (4), and 6201(a).

(2) For requirements as to registration and special tax, see sections 5801 and 5802.

(3) For excise tax on pistols, revolvers, and firearms, see section 4181.

COMMENTS

The penalty provision is increased to maximums of \$10,000 and ten years from the present \$5,000 and two years, and sentenced offenders are made eligible for parole in the discretion of the U.S. Board of Parole.

Technical amendments are made to reflect renumbering of subsection (a) and section 5848.

Penalty provision for violating Federal Liquor Laws is amended to include possession of "destructive devices" in addition to other "National Act" weapons.

The Act shall become effective six months after enactment to allow sufficient time for promulgation of regulations and other administrative details.

Persons required to register weapons by operation of this Act shall have 90 days after the effective date to do so.

ulations would specify maximum and minimum amounts of vitamin supplements that could be bought without a prescription and require this following statement to appear on every container:

Vitamins and minerals are supplied in abundant amounts by the food we eat. The Food and Nutrition Board of the National

Research Council recommends that dietary needs be satisfied by foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.

This regulation suggests that vitamin and food supplement pills are worthless, as indeed they may be. Certainly to a

normal person with an adequate and consistent diet this may be so. But even a cursory review of the eating habits of the American people would reveal wide discrepancies in the type and amount of food intake. Many people, however, just do not eat the right type or enough food to satisfy the daily requirements that nutritionists say we need. In short, we probably do not know enough in this field to justify the sweeping edict that the Federal Food and Drug Administration has published.

The entry of the Food and Drug Administration into an area where the damage does not appear to be to the citizen's health but to his pocketbook, should await more specific authority from Congress. I introduce this concurrent resolution to provide that it is the sense of the Congress that such regulations should not be made until the Congress delegates specific authority to do so.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 111) was referred to the Committee on Labor and Public Welfare, as follows:

Resolved by the Senate (the House of Representatives concurring), That, because any sweeping changes in regulations relating to labeling and content of diet foods and diet supplements would have a substantial impact on the health and welfare of the people of the United States and are, therefore, a matter of basic national policy which should be determined by the Congress, it is the sense of the Congress that the regulations ordered by the Food and Drug Administration of the Department of Health, Education, and Welfare on June 17, 1966, with respect to the labeling and content of diet foods and diet supplements should not be made effective or enforced until the Congress has by law conferred the authority to make such regulations on the Department of Health, Education, and Welfare.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION BILL, 1967—AMENDMENT

AMENDMENT NO. 949

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17788) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes, which was ordered to lie in the table and to be printed.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. McCARTHY. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Rhode Island [Mr. PELL] be added as a cosponsor of the joint resolution (S.J. Res. 85) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON NOMINATIONS OF TIMOTHY S. HOGAN AND DAVID S. PORTER, OF OHIO, TO BE U.S. DISTRICT JUDGES, SOUTHERN DISTRICT OF OHIO

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Tuesday, October 11, 1966, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Timothy S. Hogan, of Ohio, to be U.S. district judge, southern district of Ohio, vice John W. Peck II, elevated.

David S. Porter, of Ohio, to be U.S. district judge, southern district of Ohio, to fill a new position created by Public Law 89-372 approved March 18, 1966.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Nebraska [Mr. HRUSKA].

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as Chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of William R. Rivkin, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to The Gambia.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 4, 1966, he presented to the President of the United States the enrolled bill (S. 3830) to amend the Atomic Energy Act of 1954, as amended.

WARNING VOICED ABOUT DANGER OF SELLING ATOMIC WEAPONS TO U.S. ALLIES

Mr. PASTORE. Mr. President, in August of 1964, in Atlantic City, I made the following statement, which I shall read very slowly:

As Chairman of the Joint Committee of the Congress on Atomic Energy, I believe that I have some understanding of the awesome power of nuclear and thermo-nuclear weapons. Only a short while ago I stood on an American airfield close up to one of those 1,100 planes that President Johnson talked about in the film we have just seen. That plane had two hydrogen bombs—and there

was more destructive power in just those two bombs than in all the bombs that rained down on all the earth in World War II.

So when I hear anyone speak glibly and loosely about whose finger should be "on the trigger," I am deeply disturbed. I am deeply concerned when people discuss the use of nuclear weapons—and who should make the decision to use them. For—in an all-out atomic war, there will be no winner—and surely weapons of this tremendous magnitude should be used only as a last resort—and then solely on the decision of the President of the United States. (Applause)

The challenge of our time is to maintain peace with honor and to avert a thermo-nuclear holocaust.

If an all-out atomic war ever comes—please understand—please understand—every home—every kitchen—every cradle could well become a cemetery.

The sanity of America is the security of the world.

Mr. President, I uttered these words at the Democratic National Convention on August 25, 1964; and those words are just as true today, on this October day of 1966, as they were on that August day of 1944.

Certain developments in the last few months have disturbed me greatly. I would not be so deeply disturbed if these utterances had not come from a man who is respected by the people of the United States as having been a good President, and is revered by the American people and, indeed, by the entire world as one of the greatest generals of all time. I refer to Dwight D. Eisenhower. On May 17, 1966, Mr. Eisenhower wrote to Senator JACKSON a letter, in which he lamented that our atomic energy law had not been changed in order to allow us to enter into arrangements with our allies to sell atomic weapons.

Mr. President, I ask at this time that the text of Mr. Eisenhower's statement to Senator JACKSON be placed in the RECORD, in its entirety.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Text of letter from Dwight D. Eisenhower to Senator HENRY M. JACKSON and Representative EDNA KELLY concerning the North Atlantic Treaty Organization, May 22, 1966]

WALTER REED HOSPITAL,
Washington, D.C., May 17, 1966.

Hon. HENRY M. JACKSON,
Chairman, Subcommittee on National Security and International Operations, U.S. Senate, Washington, D.C.

Hon. EDNA F. KELLY,
Chairman, Subcommittee on Europe, Committee on Europe, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR SENATOR JACKSON; MRS. KELLY: Responding to your request, I submit herewith the following to express my basic convictions and opinions about the North Atlantic Treaty Organization. I think that your Committee, inspired by the crisis brought about in NATO affairs by France's withdrawal of all her forces from the present NATO command structure, has undertaken a necessary and timely inquiry.

NATO was founded in the belief that under conditions existing in 1949 all Western Europe was open to a possible Communist aggression and that each country, standing by itself, was incapable of resisting effectively any Communist military aggression. The western statesmen of the day rightly calcu-

lated that by standing together under the terms of an appropriate Treaty for common security they would be relatively free from risk of Communist subjugation, whether military, political or economic.

By agreeing unanimously to that Treaty they accomplished several things. First, the Treaty gave assurance that an attack on any one of the nations would be an attack upon all. Next, it would enable each nation to determine the composition of its own security forces on the basis of a partnership in a common effort. Because at that time the United States was particularly strong in naval, aerial, and atomic power it was possible, under the umbrella of this great and specialized strength, for European nations to go about the development of their own forces in the certainty that their major needs for these expensive specialties would be met by United States' power. Thus each of the smaller powers could concern itself primarily in the development of so-called conventional strength, which for them was both badly needed and less expensive than other types.

Late in 1950 it was decided that such forces as could be supplied by each of the participating nations in the common defense should be so organized among themselves as to assure coordination of action. This decision brought about my appointment as Supreme Allied Commander of the forces assigned by each country to the defensive efforts of NATO.

At that time the effects of the Marshall Plan had not been fully felt and as a result there were very few efficient European military units that could be deployed for the common defense. The situation was considered as an emergency and our government, appreciating this condition, agreed to dispatch a number of U.S. Army Divisions to Europe, both to create confidence in the entire Community and to give that region a breathing space in which to produce, train and deploy the troops that were deemed necessary for initial defense. It should be remembered that there was then an underlying fear that if Europe should again be plunged into war the United States might try (as in WW I and WW II) to stand aside initially in the hope that our nation would not become involved in hostilities. The presence of American troops therefore would stand as assurance that in the event of an invasion from the east, the United States would be involved from D-Day rather than many months later.

The treaty was so drawn as to permit integration of tactical forces. To develop a suitable plan of organization became my principal duty, under the title of Supreme Commander Allied Forces in Europe.

The task of organization got under way at once. The goal was a balanced, integrated force but it was recognized that because of the differences in language, armaments and training it would be unwise to go to extremes in amalgamating troops of different nationalities. It was planned that each tactical division would be homogeneous as to nationality, while the high command structure would include representatives of all. My Deputy was British, my staff was fully international. The Air Commander for the Central Region was American, the Ground Commander, French. As other countries were added to NATO, details changed but the pattern remained as first set up.

During my tenure I visited, at least once, every capital city of NATO to make sure that we had a common understanding of our problems and of measures taken. For example, I made clear at that time, that the contingent of American ground forces at a strength roughly the equivalent of 6 divisions was provided as an emergency measure. While it was agreed, unanimously, that some

American ground forces should remain indefinitely in Europe, each government was informed that as soon as Europe could raise, train and deploy an adequate ground force, the major portion of the American contingent would be returned to the United States. It was expected that American air strength in Europe and the American 6th Fleet in the Mediterranean would remain.

Much later, because of unfulfilled expectations and changing conditions, the understanding of that day, so far as it affected ground forces, was shelved or forgotten in Europe. The retention of all American forces became almost a *sine qua non* to our European friends.

When finally West Germany joined NATO, the defensive picture changed markedly. Its entry created some fears among other members of NATO of a possible program of military resurgence in Germany, and a limitation of 12 divisions was placed upon her contributions.

The matter of nuclear strength and possible deployment was troublesome from the beginning. In 1946 the McMahon Act was enacted to control, among other things, the production of fissionable materials, the manufacture and storage of nuclear weapons and to prevent any transfer of such weapons to any other nation.

The law, as written, ignored certain prior agreements on these subjects reached by Mr. Churchill and President Roosevelt at Quebec and later by President Truman and Prime Minister Atlee. Moreover, it was written on the assumption that the United States had—and probably could retain—a monopoly in the nuclear science.

In 1951 the law prevented us from making any workable agreements without partners in NATO respecting nuclear weapons—indeed it was difficult and embarrassing, because of the restrictions imposed upon us, even to discuss the matter intelligently and thoroughly. However, the effect of the "nuclear deterrent" was taken in account in all our joint planning.

Another grave obstacle arose out of a plan—initially proposed by the French—to amalgamate all the forces of the European countries by unanimous agreement and, on a basis that would promise the maximum of common tactical strength in all the NATO forces of all the member nations. It was called EDC—European Defense Community. The plan was good, if implemented with common sense, and after long discussions it was initiated by member governments in May 1952.

However, some months later, when the agreement came before the several Parliaments, the French refused to approve. A substitute that proved reasonably realistic was adopted.

By this time I had entered the White House and my relations with NATO were conducted on a different plane.

Because of the tact, wisdom and firmness of three successive American Commanders of SHAPE, Generals A. M. Gruenther, Lauris Norstad and Lyman Lemnitzer, and with the cooperation of most NATO governments, the development of the defenses proceeded reasonably satisfactorily, except for the failure of some to supply their national force quotas. In the case of France this was understandable because of her long and costly post World War II operations in Indo-China and later Algeria. But that circumstance had the effect of compelling, far beyond the estimated date, the continual deployment of a large ground force of Americans in Europe. This circumstance, in turn, seemed to lessen any feeling of emergency and some of the other nations failed, likewise, to fill their quotas.

In 1958 General De Gaulle's recall to power in France undoubtedly saved that nation. However, as French prosperity increased—largely as the result of the Marshall Plan—and as stability following upon the end of the Algerian war, was restored, French dissatisfaction with existing NATO arrangements began seriously to disturb other members.

The first action—not too far-reaching in itself—was the withdrawal of the French Naval contingent in the Mediterranean from the over all control of the Allied Commander-in-Chief in that region. This in itself was of reduced impact, because the French Navy was of limited strength, but it became the forerunner of later and more disturbing differences. One of these revolved around French desire for nuclear weapons of its own.

My own views on this matter were that we should seek authority to sell appropriate nuclear weapons to other governments, but under special conditions and arrangements—to be approved by the NATO organization—that could operate effectively in the defense of Europe. It was felt that unless we showed a cooperative attitude France, at least, could and would, sooner or later, develop her own nuclear capability. Once this was done she could be completely free of any NATO influence in any action she might choose to take. The same reasoning applied to nuclear-powered submarines but no agreement on either subject could be put into effect as long as the McMahon Act was in force, even though from time to time we had been successful in obtaining some minor amendments to the Act.

However, General De Gaulle knew of the efforts I was making to treat France and our Allies as first-line partners in our NATO planning and during the period of my Presidency it was my impression that he accepted the status quo even though he was less than happy about it.

Incidentally, at this point, I should remark that it has seemed to me strange that even though the Soviets long ago succeeded in developing a nuclear capability of great strength and efficiency we have been forced, by law, to keep any useful knowledge about the science from most of our partners in NATO.

Other differences in viewpoint existed between General De Gaulle and our own government of that time but in light of the friendships existing among the principal figures, all of these differences were discussed confidentially and objectively and without causing any rifts in our mutual respect and public attitude toward each other.

There is no point in attempting, here, to trace all the steps that marked deterioration in our relationships with France and the causes of General De Gaulle's decision to withdraw all French troops from the command of the Allied Commander-in-Chief and, indeed, to insist that all American troops leave French territory.

It would be idle to minimize the seriousness to NATO's security of this development. The United States is deeply involved in NATO's infra-structure, a major portion located within French territory. To abandon, sell or demolish these facilities will be expensive while to replace them will be more so. Moreover the defense problem will become intensified in difficulty.

Of one thing I am sure, however—it would be a grave mistake for the other members to abandon the alliance merely because of the French withdrawal.

I am not in a position to suggest or recommend any specific arrangement by which France could now, through some kind of bilateral agreement with NATO participate in the common defense. I think that no one

except the responsible officials of our government can be sufficiently informed as to make any valid and acceptable decisions in a situation that will be both delicate and difficult. Our government will need real flexibility in its power to participate successfully in this kind of negotiation.

As one helpful step toward this end, I would recommend drastic amendment of the McMahon Act, which is largely inapplicable to the times in which we are living, so as to provide flexibility to our government in negotiating all matters related to nuclear science.

Every possible influence should be used to cement together even more strongly the other nations of NATO, so that through their increased unity the subtraction of the French military forces will have the least possible effect.

I would do nothing whatsoever to antagonize the French people. That nation is our traditional friend. I believe we should take the attitude that while we are saddened that France has seen fit to act independently of all other nations in the Alliance, all are still ready to accept her back into the fold whenever she might desire to return.

To make up for the deficit thus created I think that the other nations, more especially the Federal Republic of Germany, should be encouraged to develop more military power.

I would try to make the day-by-day planning of both NATO's civil and military councils more meaningful and effective. This effort would be particularly necessary and fruitful in the event that the Atomic Energy Act is drastically modified. I think that no resentment of ours or of any other NATO member, should be expressed publicly against France, nor should any economic or political act of ours deepen the rift that has developed.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. PASTORE. I shall read a pertinent paragraph of the statement at this time. These are the words of Mr. Eisenhower:

My own views on this matter were that we should seek authority to sell appropriate nuclear weapons to other governments, but under special conditions and arrangements—

I cannot imagine under what conditions or arrangements one should sell nuclear weapons, because we would thereby lose control of them.

to be approved by the NATO organization—

There, again, America loses its veto power. Retention of this veto power has been the consistent policy of the U.S. Government from the day that we acquired the bomb.

that could operate effectively in the defense of Europe. It was felt that unless we showed a cooperative attitude France, at least, could and would, sooner or later, develop her own nuclear capability.

Mr. President, I ask that a few articles by distinguished commentators with reference to this statement be placed in the RECORD at this time.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 22, 1966]

EISENHOWER ASKS ATOM LAW CHANGE

(By Benjamin Welles)

WASHINGTON, May 21.—Former President Dwight D. Eisenhower called here today for a "drastic" amendment of the nation's atomic energy laws.

He said this would be a helpful step in the current crisis of the North Atlantic

Treaty Organization and would give the Administration greater flexibility to negotiate with allies on "all matter" related to nuclear science.

General Eisenhower's views touched closely on the problems produced among the 15 NATO allies by President de Gaulle's recent decision to withdraw French forces from the alliance's control by July 1 and by his request that United States and other NATO forces quit French soil by next April 1.

General Eisenhower pointed out in his letter that as a onetime Supreme Commander in Europe of the alliance he had unsuccessfully sought Congressional permission to sell "appropriate" nuclear weapons under controls to its members. By implication he seemed to be laying a part of the blame for France's current action to past Congressional resistance to his pleas.

CONGRESS SOURCES REPLY

However, Congressional sources retorted that during his tenure as President General Eisenhower had had repeated opportunities to call for modification of the atomic energy laws and had never provided serious reasons for doing so.

General Eisenhower said that General de Gaulle had known of his efforts to treat France and other allies as "first class partners" in NATO planning and that while the French President was less than happy about the obstacles to such treatment he "accepted the status quo."

Later administrations, General Eisenhower implied, had been less tactful and less successful in dealing with the French statesman.

The former President's views were transmitted by letter jointly to Senator HENRY M. JACKSON, Democrat of Washington, chairman of the Senate subcommittee on national security and international operations and to Representative EDNA F. KELLY, Democrat of New York, chairman of the House subcommittee on Europe, Committee on foreign affairs.

The letter was sent from Walter Reed Hospital here, where General Eisenhower has been undergoing a series of tests since May 4 for what was officially described today as an arthritic complaint.

While the former President acknowledged that it would be idle to minimize the extent of the crisis posed by France's current action, he urged that "no resentment" be expressed publicly by the United States or by other NATO allies against France and that the United States especially undertake no political or economic act to "deepen the rift" that has already developed.

He urged, moreover, that in view of France's withdrawal from the NATO integrated command structure other nations—especially West Germany—should be encouraged to develop more military strength.

The timing as much as the tenor of General Eisenhower's warm reference to France appeared to range him firmly among critics of the Administration's current policy of seeking to "contain" General de Gaulle.

This policy, which has been scored as both divisive among the European members of the Atlantic alliance and relatively ineffectual in view of the general's coming visit to Moscow, is under increasing pressure here.

Within the last week President Johnson is known to have asked the policy's two chief sponsors, Under Secretary of State George W. Ball and former Secretary of State Dean Acheson, to turn their attention away from seeking to isolate General de Gaulle and more toward outmatching him by establishing better relations with East Europe, including the Soviet Union.

NATO HISTORY IS REVIEWED

In his letter General Eisenhower reviewed the history of the NATO organization, especially after his own designation as Supreme Allied Commander in Europe in 1961 at the height of the Korean War.

He stressed that six United States divisions were then sent to Europe as an emergency measure on the strict understanding that "as soon as Europe could raise, train and deploy" an adequate ground force of its own the "major portion" of the American contingent would be returned to the United States, leaving only air and naval units on permanent guard in Europe.

This understanding, however, was later "shelved or forgotten," he said. He recalled that the retention of United States forces had become a *sine qua non* in Europe especially after the admission of West Germany to NATO in 1954.

Referring to the "troublesome" matter of nuclear strength and deployment in the alliance, General Eisenhower recalled that in 1951 "the [United States atomic energy] law prevented us from making any workable agreements" with NATO allies or even from "discussing the matter intelligently and thoroughly."

This reference was later challenged by Congressional sources who said that despite much talk at the "second level" of the Eisenhower Administration the President and his senior advisers had never seriously sought to have the law amended in specific terms.

FRENCH DISSATISFACTION CITED

In time with the recovery of Europe, largely assisted by the Marshall Plan, General Eisenhower continued in his letter, French dissatisfaction with existing NATO arrangements—and especially French desires for nuclear weapons—began to manifest themselves. He said he believed at the time that "we should seek authority to sell appropriate nuclear weapons" to France and other governments of the alliance on strict conditions.

[From the New York Times, Oct. 4, 1966]

EISENHOWER SHUNS NUCLEAR WAR BAN—HINTS BOMB SHOULD BE USED AS A DIPLOMATIC WEAPON

(By John Herbers)

WASHINGTON, October 3.—Former President Dwight D. Eisenhower said today that he would not "automatically preclude anything," including the use of nuclear weapons, to end the war in Vietnam.

Speaking at a news conference, General Eisenhower went a step further than he did in Chicago last Friday when he said he would "take any action to win."

Today, he was asked specifically if he would preclude the use of atomic weapons.

"I would not automatically preclude anything," General Eisenhower replied. "When you appeal to force to carry out the policies of America abroad there is no court above you."

The former President talked at length about the war during the news conference, held in conjunction with a meeting of the Republican Coordinating Committee.

EXPLANATION BY DEWEY

Afterwards, Thomas E. Dewey, former New York Governor and Presidential nominee, was asked what he thought General Eisenhower had meant and if the Eisenhower statement reflected Republican policy.

"I don't believe he was really recommending the use of nuclear weapons," Mr. Dewey said. "He was simply saying that you don't inform the enemy on what you intend to do."

This implied that the American nuclear force should be used as a diplomatic weapon to bring the war to a close, and General Eisenhower indicated this at one point.

"When I came into the White House," he said, "we had almost a monopoly in atomic power—in certain phases we did have a monopoly—and there was great respect of what we might do. But I never openly threatened to use atomic weapons [to end the Korean War]."

"FIRST ORDER OF BUSINESS"

"I said we would no longer be restrained by gentlemen's agreements outside the Yalu River, or across the Yalu, and whatever was needed to win that war or make them sign that armistice right now, I would do whatever was necessary and avoid making promises on restrictions of weapons I would use."

The former President added, "I don't know how I would fight the war today." And he said he was "not trying to set myself up as a competent authority to criticize the Administration."

"I just say what I would do if I had the responsibility," General Eisenhower said. "I would do it just as soon as I could. I would bring this to a conclusion because, as Senator [EVERETT MCKINLEY] DIRKSEN [the minority leader] pointed out, there's the blood of a lot of young men involved and whenever we have had casualties in order to carry out the policy of America abroad, America as a whole has made it the first order of business to get that war done first."

General Eisenhower acknowledged that the balance of power in nuclear forces had changed since he was President and that he did not know the extent of restrictions the Administration might have placed on itself in the use of nuclear weapons in Southeast Asia.

"I would just say this—I would do anything that would bring the war to an honorable and successful conclusion as rapidly as I could," he said.

The coordinating committee—composed of former Presidential nominees, Congressional leaders, Governors and national committee-men—issued a statement wishing President Johnson well in the forthcoming Asian conference in Manila.

"We trust that the conference will produce a significant increase in military, economic and political support from our allies," the statement said. But it contained one barb:

"The Republican Coordinating Committee makes no issue of the fact that this conference could as well have been held six months or a year ago."

"We insist," it concluded, "that every practicable step toward winning the war be taken in support of the thousands now engaged in deadly combat. Their sacrifices must not be in vain."

MANSFIELD SCORES RIDICULE

MR. MANSFIELD, who has also criticized President Johnson's handling of the war, said that dissent could be a service but should be constructive.

"Backbiting, downgrading and ridiculing our President will not make his task easier," Mr. MANSFIELD said. "Rather it will make it much more difficult."

"Statements have been made," the Senator continued, "about 'as much force as we need to win' and 'I'd take any action to win,' but the specifics to back up these comments have been notable in their absence."

"It is bad enough," he said, "for Hanoi, Peking and Moscow to doubt the President's word . . . but I do not doubt his honesty and sincerity."

Senator MANSFIELD said the President "needs our trust and confidence more than ever at this period in our history. He needs it and deserves it, both at home and abroad, in his efforts to seek an honorable peace," Mr. MANSFIELD added.

He said he was convinced President Johnson "wants an honorable settlement in Vietnam."

[From the Washington Post, May 22, 1966]

IKE WOULD AMEND ATOMIC LAW

(By Chalmers M. Roberts)

Former President Eisenhower believes the Atomic Energy Act should be drastically amended to give the United States "real

flexibility" in dealing with the current crisis in NATO.

Gen. Eisenhower's views came in a statement made public yesterday by Sen. HENRY M. JACKSON (D-Wash.) and Rep. EDNA F. KELLY (D-N.Y.), who head subcommittees probing the NATO problem. The general sent his statement from Walter Reed Hospital.

The former President did not specify just why he wanted the atomic law, known as the McMahon Act, altered but he appeared to imply that atomic know-how, at the least, should be shared with the allies far more than is now legally possible.

Gen. Eisenhower reiterated his earlier criticisms of that restraint and his 1958 view that the United States should have authority to sell "appropriate nuclear weapons to other governments" under some agreed NATO plan.

The McMahon Act bans the transfer of U.S. nuclear weapons to other nations, and members of the Joint Atomic Energy Committee indicated opposition yesterday to lifting that ban. The law, passed in 1951, was amended in 1958 to permit the sharing of design data with Allies under controlled conditions.

The former President said he was sure "it would be a grave mistake for the other members" of NATO "to abandon the alliance merely because of the French withdrawal." But he said he was not in a position to offer recommendations on how France could participate in the common defense.

He also said he "would do nothing whatsoever to antagonize the French people. That nation is our traditional friend. I believe we should take the attitude that while we are saddened that France has seen fit to act independently of all other nations in the alliance, all are still ready to accept her back into the fold whenever she might desire to return."

To "make up for the deficit" of French withdrawal he suggested that other allies, especially West Germany, "should be encouraged to develop more military power." He did not directly relate his references to altering the atomic law to the arming of German forces, however.

While the former President was emphatic in saying that the United States should express no public "resentment" against France and should avoid any economic or political act that might "deepen the rift," he appeared to take a swipe at Presidents Kennedy and Johnson.

In recounting NATO's development at length, Gen. Eisenhower said that while he was in the White House differences with French President de Gaulle "were discussed confidentially and objectively and without causing any rifts in our mutual respect and public attitude toward each other." This was possible, he said, "in the light of the friendships existing among the principal figures." The two men were wartime associates.

Gen. Eisenhower said that to abandon, sell or demolish American installations in France would be expensive while to replace them would be more so. He added that "moreover the defense problem will become intensified in difficulty."

But Gen. Eisenhower refrained from any comment on the issue of American troop reductions in Europe. In 1953 he had been the first leading American figure to suggest that American forces should be cut from six to one division, a position now being taken by some Members of Congress but opposed by the Johnson Administration and 14 NATO allies.

[From the Washington Post, May 22, 1966]

CLARK URGES TREATY TO CURB A-ARMS

Senator JOSEPH S. CLARK, Democrat, of Pennsylvania, said yesterday that the Ad-

ministration should abandon its plans for nuclear sharing with U.S. Allies in Europe in order to clear the way for a treaty curbing the spread of nuclear arms.

The Pennsylvania Democrat made the recommendation in a report to the Senate Foreign Relations Committee on his visit to the 18-nation Geneva disarmament conference early this month.

"Our problem," he said, "is to choose between agreement with the Russians to join in a major effort to prevent the further spread of national nuclear capability or to continue to flirt with schemes such as MLF (multilateral nuclear force), ANF (Atlantic nuclear force), and the actual sharing of nuclear weapons with West Germany."

"I have no doubt that both world peace and our own national security interests strongly impel us toward the former course."

MR. PASTORE. Mr. President, what disturbed me most, Mr. President, is what I read in the Washington Post this morning. This article appears on page 4. The caption reads: "Ike Wouldn't Preclude the Use of A-Weapons To End Viet War."

I ask unanimous consent that this article be placed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IKE WOULDN'T PRECLUDE THE USE OF A-WEAPONS TO END VIET WAR

Former President Dwight D. Eisenhower said yesterday that if he were President he would "not automatically preclude" the use of nuclear weapons to shorten the Vietnam war.

Disclaiming any intention of second-guessing the Johnson Administration strategy, Gen. Eisenhower nonetheless threw his immense prestige behind the forces of public opinion calling for a quick windup of the war.

"If I had the responsibility," he said, "I would do anything necessary to bring that war to an honorable and successful conclusion as rapidly as I could."

The former President made his remarks at a press conference during the meeting of the Republican Coordinating Committee, the policy board of GOP congressional and political leaders.

The White House declined to comment on Gen. Eisenhower's remarks, apparently wishing to preserve the close rapport on Vietnam that has existed between President Johnson and the former President.

But on Capitol Hill, Senate Democratic Leader, MIKE MANSFIELD, Democrat, of Montana, challenged Gen. Eisenhower—without naming him—to spell out his prescription for a quicker victory in Vietnam.

MANSFIELD's statement, which was almost simultaneous with the General's news conference, was prompted by Gen. Eisenhower's remark last week that "I'd take any action to win" in Vietnam.

The Senator, a consistent advocate of a negotiated settlement of the conflict, said he was "disturbed" by the implications of the Eisenhower statement.

"In addition to an increase in numbers sent to Vietnam, does it mean landings in North Vietnam?" he asked. "Does it mean the use of nuclear weapons and bombs? And if so, against whom?"

"The Congress is entitled to know and if the matter is to be considered during an election campaign, the voters of the Nation are entitled to know," MANSFIELD said.

Gen. Eisenhower told reporters the Johnson Administration had never asked his advice on the use of nuclear weapons in Vietnam, adding "I'm not setting myself up as a competent authority to criticize the Administration" on its Vietnam strategy.

He recalled that in 1953 "I never threatened openly to use atomic weapons in Korea," but did let the Communists think that he would do "whatever was needed to end that war or make them sign that armistice." As for Vietnam, he added, "I would do anything necessary to bring that war to an honorable and successful conclusion as rapidly as I could."

"You would not preclude the use of nuclear weapons?" a newsman asked.

"I would not automatically preclude anything," Gen. Eisenhower replied.

Administration officials have indicated from time to time that they have kept open the option to use nuclear weapons in Vietnam. But during the 1964 campaign and since, President Johnson has insisted that no justification had been given for bringing them into use.

The President told a press conference on April 27, 1965, "I have never had a suggestion from a single official of this Government . . . concerning the use of such weapons in this area (Vietnam). The only person that has ever mentioned it to me has been a newspaperman writing a story and each time I tell them, 'Please get it out of your system. Please forget it. There is just not anything to it. No one has discussed it with us at all.'"

In addition to Gen. Eisenhower's comments, the Republican Coordinating Committee, in a formal statement, gave a half-endorsement, coupled with a dig, to the President's meeting later this month in Manila with the heads of other governments opposing the communists in Vietnam.

The Committee "makes no issue of the fact that this conference could as well have been held six months or a year ago," the statement said. We will wholeheartedly and unanimously support every effort to defeat Communist aggression and to achieve an honorable peace whenever or wherever made.

"We earnestly hope the conference will result in practicable steps toward achieving such a peace. Meanwhile we trust that the conference will produce a significant increase in military, economic and political support from our allies."

Mr. PASTORE. Mr. President, as seriously as I can say it, I implore Lyndon B. Johnson, the President of the United States; I implore Robert McNamara, Secretary of Defense of the United States; I implore Dean Rusk, Secretary of State of the United States; I implore the Joint Chiefs of Staff, not to maneuver the United States, in Vietnam, into the position where we have to use a nuclear or a thermonuclear weapon, because if we do, all I have to say is, "God help us, God help us."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, I wish to align myself with this warning. No more authoritative warning could be forthcoming than that just made by the distinguished senior Senator from Rhode Island, a former chairman of the Committee on Atomic Energy, the present vice chairman of that committee, and soon to be the chairman of that committee again.

If anyone in this Chamber knows whereof he speaks, it is the Senator from Rhode Island; and I hope that what he has said today in the Senate will be heard downtown, throughout the land, and that it will be adhered to. It is a warning in time.

Mr. McGEE. Mr. President, I ask the majority leader whether I may have

unanimous consent to exceed the 3 minutes.

Mr. MANSFIELD. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I join my voice with that of the Senator from Rhode Island in this caution on the irresponsible or reckless advocacy of these weapons, which might ultimately result in a situation in which we would be crowded into a corner and feel compelled to use some kind of nuclear weapon.

There is a mounting wave of sentiment sweeping across the country that is always looking for an easier way or a quicker way or a shorter way. The most dangerous little slogan going around now is: "Let's win or get out." My reply is: "Let's win what?"

Wars are not won any more in a nuclear age, but they can be lost. It is all the more imperative that we listen to the distinguished Senator from Rhode Island [Mr. PASTORE] in his significant note of caution on this particular point.

What is taking place in southeast Asia requires the greatest restraint and caution, and whatever else our experience, now as we are tempted by an approaching election, we dare not risk substitution of little cliches for reason and careful consideration on the problems that we face in that part of the world.

Mr. President, I did not come here this morning to address myself to that question, but I was fortunate to be in the Chamber when the Senator from Rhode Island [Mr. PASTORE] raised the point. I am here to say a word or two about Thailand because it is likewise getting more and more into the consideration of what is going on in that part of the world.

The suggestion is repeatedly being made, sometimes on the floor of this Chamber, sometimes on television programs, or elsewhere, that somebody is trying to sneak in another Vietnam in Thailand.

In my judgment, that is simply and fundamentally a reflection of a lack of understanding as to why we are there in the first place. We are in Vietnam because of southeast Asia. Vietnam happens to be the place where trouble started. It happened to happen there. It could have happened in Cambodia, it could have happened in Thailand. It could have happened in Burma, or in a half dozen other places. It happened to happen in Vietnam.

Therefore, it seems to me that the time is here for us to keep this in perspective. Lots of things are happening in the Philippines, Indonesia, Cambodia, and Thailand because of the crisis in southeast Asia. It is wrong and a distorting process to try to lift Vietnam out of southeast Asia and examine it as though there were no relationship. Therefore, it is important that we understand what is going on Thailand in relation to the crises in all of that part of the world.

As a matter of fact we could assume the worse for just a moment, that somehow the bottom would fall out of Vietnam tomorrow and that everything went bad all at once; that we had to impeach the President of the United States and the Joint Chiefs of Staff in this body be-

cause our flanks in that region were not covered.

Thailand is as much a part of what is at stake there as is Vietnam and our presence there. It is being asserted that somehow we "sneaked" 30,000 troops into Thailand in order to cope with a guerrilla problem in the mountains in the 5 northeast provinces there. Nothing could be further from the truth. The 30,000 American troops in Thailand are there because of the conflict in Vietnam and those American troops are not engaging guerrillas in Thailand.

It was not long ago that I had the opportunity to visit the five northeast provinces in Thailand. The 1,000 guerrillas that were placed there with great hopes a year ago are mostly still there, but they have not multiplied, and their supplies have not been replenished, and the great hope that was placed on them has not been realized in the year since. And why? It is because of the heavy American presence in Vietnam. Peking's hope that one day this might be held as a bridgehead in Thailand has been frustrated, largely because of this American presence.

But who is training those troops in Thailand that are trying to cope with the guerrilla cadres in the northeast? The answer is American advisers are helping to train them, but no American troops are helping to engage the guerrillas. It is a Thailand problem being resolved by them, and some of us believe it is being resolved in time. This infiltration has sometimes been likened to Vietnam 10 years ago. In advance of a major crisis, Thailand hopes to be able to do something constructive about it.

It is time that we disabuse ourselves of a notion that the guerrilla training in Thailand was ever used as an excuse to smuggle American troops into that country. As a matter of fact the presence of American troops in Thailand was negotiated with the Thai Government. They are there because they have an interest and a concern as to what happens in southeast Asia.

Likewise, comparisons are occasionally drawn between the presence of American troop complements there and the marines that were sent into Laos in 1962. That is not the same situation.

In 1962 the Communists had violated the cease-fire agreement in Laos and had begun moving toward Laotian borders, creating the possibility of overt Communist aggression toward Thailand. Because of that aggression, and because of our treaty obligations, and with advance notice to the treaty organizations, in 1962 we sent in marines, clearly under our treaty obligation to send 5,000 marines into that area.

Whatever accounts for the good fortune of that development, at least the presence of American marines there was a contributing factor. But that was a contributing factor that brought American forces to Thailand; but not for the same force as our presence there today, for our presence there now derives from the worsening crisis in all of southeast Asia and from the fact that someone, or some combination of someones, had to

get together to try to thwart the overt act of aggression.

More serious than any of the innuendoes now being featured by some spokesmen in this country is the one that the United States is converting Thailand, the Philippines, and others in that area into a group of American lackeys.

It has been implied that we are converting them into client states only to do our will. This is a curious line of attack. A year ago, from the floor of the Senate some Senators were suggesting that we had no friends in southeast Asia; that even they were not speaking in our behalf. Now, they have spoken almost in unison of the American position. What do we hear now? We hear that they have been bought and are American stooges that we have managed to mobilize in the last year. This suggests that you cannot win with these dissidents and critics who retreat from one line of attack, and the reason is they discover the responsibility of making a decision. They enjoy illustrious irresponsibility and retreat with each new development in southeast Asia.

It is time for us to keep our feet on the ground and our heads on our shoulders as we assess what is transpiring there. I know of nothing that does more injustice to the Thai Government in this country at this time. The Thai Government has a long history. They are extremely jealous of their independence. They survived the traditional colonialism in southeast Asia.

They are not about to knuckle under now. I think that the Foreign Minister of Thailand, in his speech to the United Nations a few days ago, put it well when he said he has news for anyone who thinks the Thais are going to roll over and play dead for any big power that wants to use them in any way that is not in the national interest of Thailand.

But what is happening is the fact that there is a coincidence of national interest. Thus, when they meet this coincidence of concerned interest, it is poor judgment and certainly poor policy on the part of American critics to assert that this has to reflect collusion in which the big power is telling the small power what to do.

The Thais conduct their relations with us and with every other country in the world on the basis of full equality. Sometimes, that is one of the prices for which we think we pay rather dearly in our system, when allies do not always do the things we like to think should be done; but that is the difference between allies and satellites. That is something else that this is all about. We have continued to respect the full equality of any allied inclinations, or allied dispositions to stand firmly with us in the cause which finds us in southeast Asia.

The Thai voice is a strong and independent and a truly Asian voice. During the early postwar years, when many Afro-Asian countries doubted the reality of the threat of Communist China, for example, the Thais saw it clearly. They lived under its very shadow. It was natural that their concern should run deeply. They acted in the basis of the

realization that only through collective security did they have—if Senators will forgive a pun—a Chinaman's chance in the power infrastructure of eastern Asia with China looming on her borders to the north.

Why were they willing to trust the United States?

I believe that on the basis of our foreign policy record, the Thais believed that they could actually stand with us in the confidence that their full independence would be respected. The Thais have never looked at the United States as being an imperialistic power. In fact, President Woodrow Wilson is well known in Thailand for his leadership at the Versailles convention in helping to bring about the end of the "unequal treaties" which had, in those days, been imposed upon Thailand's national independent status.

I think that our record in the Philippines likewise has reassured the Thais, who, I believe, are absolutely right in placing their trust in an alliance, and not in a satellite role with the American Government.

It is true that we have had to deploy our forces there, but that deployment of force is related specifically to the conflict in Vietnam. This was done with the full consent of the Thailand Government—in fact, it was negotiated jointly with them, and they fully realized its significance.

A quote from Foreign Minister Thanat Khoman—which I believe makes my point, states:

I am confident that history will prove that the momentous decision made last February by the President of the United States was a measure of greatness commensurate with the greatness of the American Nation. We are proud to stand with you. We are proud to bear our fair share of responsibility and sacrifice so that your people and mine can live in peace and freedom.

Our forces are in Thailand to meet this common threat, and when the threat has diminished to the point that it becomes possible to do so, our forces will come home. It is as simple as that. The Thais would not want our forces there, if there were no threat. They would not ask for our presence if there was not this great shadow to the north which concerns them very deeply. Thus, we stand together with the Thais, and with others, in a common cause in that part of the world.

Mr. President, I conclude my remarks with the thought which this subject has brought up today in the Senate, introduced by the senior Senator from Rhode Island [Mr. PASTORE], in regard to the use of nuclear weapons; namely, that this is a limited area. It is a limited war. We have got to do everything possible to keep it so. In fact, in a nuclear age, a limited conflict of this dimension is almost the only kind of conflict that modern man dare risk.

Therefore, our every effort should be made toward caution, toward firmness, and not toward reckless talk and rather irresponsible sloganeering in regard to how to bring about the successful conclusion we are all striving to achieve; namely, peace in southeast Asia.

Mr. JAVITS. Mr. President, I have been advised of the brief statements which have been made on the floor today with respect to the statement of the policy coordinating committee of the Republican Party and with respect to the individual statements which former President Eisenhower, former Governor Dewey, the Senator from Illinois [Mr. DIRKSEN], and others have made concerning Vietnam.

I wish to make a statement, Mr. President, of my own position which I think, with all due respect, represents an important section of opinion among Republicans.

In all fairness, I do not believe that any effort should be made, or could be made, to label the Republican Party as the party which has nothing to offer in the Vietnamese war but more force.

Knowing former President Eisenhower as well as I do, I can understand a military man's feelings that we should not reveal to the enemy anything about our intentions. I also understand that this is a question which is in the theater of world diplomacy, not only in the theater of military affairs, hence, I would say that we should not inform the enemy any more than we need to, but I do think we need to reassure mankind.

Therefore, Mr. President, I would not, myself, give any intimation concerning the use of atomic weapons because I think that the situation does not call for it. I do not believe that to say we do not bar their use, and so forth, necessarily helps us in this situation, or does anything to alter the calculations of Hanoi and the NLF. Great caution and restraint regarding nuclear weapons has been the constant policy of the United States. It has been the policy of President Truman, of President Eisenhower, of President Kennedy, and of President Johnson. I hope it remains our policy. I hope that we will not start a nuclear war.

I believe that the only sound policy for Vietnam will be equally compounded of force and intelligent diplomacy, plus concentration on legitimizing the GVN and bringing about needed social and economic reforms.

I back the President. I will continue to back him in respect to our commitment in Vietnam. But, I reserve the right as a citizen and as a Senator to differ from him on the best policy to fulfill that commitment.

We should encourage the proposals which the United States has made in the United Nations, through Ambassador Goldberg, proposals which could open the door to a very intelligent marshaling of the backing of the world in the effort to bring about peace. Rather than criticizing these efforts, I would say that we should do more of the same, and that we should consolidate our position behind that attitude. At the same time, however, we should continue to show our determination with respect to the use of force in order to prevent the Communists from a military triumph in Vietnam.

There are a number of things that I feel could be done to buttress our position.

For one, I thoroughly agree that every effort should be made, in and out of the United Nations, to get our allies to help us more than they have. We are already getting some help from South Korea, Australia, New Zealand, and Thailand. Our allies in NATO and Europe, many of them, however, have given us little or no help.

Second, I think it is critically important that we understand that this is a guerrilla war, and that it is likely to be a long one. Therefore, we must fortify the American people in respect to persisting in the struggle for victory, and educate them in the limitations of solving this guerrilla conflict solely by means of force.

For that reason, I have urged the President to make it clear to the American people—I have urged this time and again, and I urge it now once more—that the effort to force North Vietnam to the council table has failed, and that we must, therefore, carry on with heavy emphasis not only upon security but also upon the reconstruction of South Vietnam itself.

That means legitimizing the GVN; that means land reforms; that means economic and social improvements on a very broad scale and high priority.

The PRESIDING OFFICER (Mr. Tydings in the chair). The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Finally, I think the President ought to announce our willingness to negotiate with the National Liberation Front as a negotiating party. This has been left implicit, but has not been expressed. Even Ambassador Goldberg, in his expression of American policies, has had to leave that implicit rather than expressed. I think it ought to be expressed formally on the highest level.

If we do all those things, we are then in the best posture before the world in regard to the Vietnamese struggle.

With all respect to those who have been concerned by statements of the Republican Coordinating Committee, it is my belief that this is the general consensus in which Republicans have taken part. Let us remember that the sharp differences between the doves and the hawks have been not among Republicans, but among Democrats, and they still persist. There is a large number on the other side of the aisle who believe we should pull out of Vietnam, or what is tantamount to pulling out of Vietnam, in terms of our efforts there. I do not think that we should miss the forest for the trees. The President of the United States has had very effective support for the U.S. commitment from our minority leader, the Senator from Illinois [Mr. DIRKSEN], and also Republicans generally. In my judgment, he will continue to have it.

We should not be confused by the statements saying that the Republican side looks only to the resort of force in order to have success in Vietnam.

Republicans support peace efforts. We support the movement for Asian peace initiatives. We support the impending Manila conference of nations which are endeavoring to help us.

I hope in the days ahead a spokesman for my side of the aisle will speak out with respect to what has been done at the coordinating committee, to the effect that there is complete nonpartisanship in our Vietnam commitment. Republicans have sought to bring about a feeling of unity on the part of our country with respect to the struggle in Vietnam.

The impact of this should be understood by the electorate. In my judgment, whether one votes for candidate A or candidate B, it must be made clear that it is not a party issue. This kind of problem has never been a party issue in our country. I look with great dissatisfaction—I deplore—attempts to make it a party issue. It will be our purpose in the days ahead to make clear that it is not a party issue, and that there is a real sense of unity—certainly on this side of the aisle—and the President has needed Republican support—strong support with respect to the U.S. commitment in Vietnam. There will be Republican support for efforts to bring about a negotiated settlement.

RELIEF FOR ESTATES OF CERTAIN FORMER MEMBERS OF THE U.S. NAVY BAND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1603, H.R. 5912.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5912) for the relief of the estates of certain former members of the U.S. Navy Band.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, the passage of this bill will represent the necessary final action of the Congress fulfilling our earlier action of referring this issue to the Court of Claims for a determination of the equities involved. The opinion handed down by the Court of Claims determined that the beneficiaries are entitled to the relief specified in this bill.

Congress has requested the court to decide the equities and to recommend action. The bill simply carries out the recommendation of the court.

However, the passage of this bill will not be a precedent for future measures of this nature. The Supreme Court has precluded the congressional reference procedure and Congress has accordingly abandoned seeking advisory opinions of this sort.

Since Congress saw fit to refer this case to the Court of Claims for its determination, the beneficiaries should be able to rely upon congressional acceptance of the court's recommendation.

Otherwise, our good faith would be called into question.

I ask unanimous consent to have placed in the RECORD pertinent excerpts from the committee report.

There being no objection, the extract (Rept. No. 1634) was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay \$25,000 to each of the estates of 18 named former members of the U.S. Navy Band who lost their lives in a plane crash which occurred during a flight from Buenos Aires, Argentina, to Rio de Janeiro, Brazil, on February 25, 1960. The payment would be made in accordance with the recommendations of an opinion in a congressional reference case decided by the U.S. Court of Claims on December 11, 1964.

STATEMENT

In agreement with the views of the House and the recommendation of the Court of Claims, the committee recommends favorable enactment.

The facts of the case found in House Report No. 1719 are as follows:

"During the 86th Congress, the bill, H.R. 11905, providing for payment to the estates of all of the Navy Band members who lost their lives in the February 25, 1960, crash was referred to the U.S. Court of Claims in accordance with the provisions of House Resolution 585 of that Congress. That resolution, approved on August 23, 1960, directed the Court of Claims to make findings of fact and recommendations relative to the bill in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code. The Court proceeded to a consideration of the matter and rendered its decision on December 11, 1964. That decision and the accompanying findings of fact are set forth as a part of this report and the committee recommends that the bill, amended to make specific reference to this decision, be considered favorably."

In agreement with the views of the House and the Court of Claims the committee recommends favorable enactment.

Mr. SMATHERS. Mr. President, the purpose of the pending measure is to pay \$25,000 to each of the estates of 18 named former members of the U.S. Navy Band, who lost their lives in a plane crash which occurred during a flight from Buenos Aires, Argentina, to Rio de Janeiro, Brazil, on February 25, 1960.

At the outset let me make one point perfectly clear and that is that no one is more sympathetic in the loss of loved ones than I am. My only purpose in opposing the pending measure is to first inform the Senate as to what they are voting on, and secondly to hope that the Senate will not set what I know will become a most unfortunate precedent.

Some time ago Congress passed what is known as the congressional reference statute which permits either House to refer a set of facts to the Court of Claims for determination of fact and law and to get a recommendation. Any action taken by the U.S. Court of Claims under this reference statute is completely advisory, and not binding.

Subsequent to the particular case, which was referred by the House committee to the Court of Claims, the Supreme Court decided in the Glidden case that congressional reference cases were illegal, as they did not present a case in

controversy, but the cutoff date permitted pending cases such as the band case to be completed.

The Court of Claims essentially did two things, as follows:

First. Found that the Government was negligent. Reason: Bandmaster had been supplying insurance forms for 10 years, a course of conduct relied upon by the band to their detriment. On this trip no forms were supplied. No law required bandmaster to do that function—he was a volunteer—nevertheless, under reliance findings his conduct was negligent.

Second. After making a finding of fact the Court of Claims stated:

For these reasons, we think that the estate or representative of each of the 18 deceased bandmen, on behalf of whom this suit is brought, is entitled to equitable relief in the amount of \$25,000.

I would like to specifically point out that this is not a judgment of the Court of Claims. If it were a judgment no legislation would be needed.

On the basis of this recommendation to the House committee, the pending legislation was introduced, passed by the House and reported favorably by the Senate Judiciary Committee.

Let me point out that no hearings were held by the Senate Judiciary Committee, nor in the report before us are the views of the Department of Defense which is opposed to the passage of this type of what I believe to be discriminatory legislation.

Let me briefly outline why I feel that legislation of this type should not be approved by the Congress:

First. The plane consisted of three groups of personnel: the band, the crew of seven, and the eight members of the ASW team—hazardous duty. The pending measure provides payment to 18 members of the band.

Second. The precedent—how can you pay the band and not the estates of deceased personnel in South Vietnam, or for that matter, all wars?

Third. The Senate is asked to act on the House report which contains no departmental reports. The Navy Department has informally notified the committee it opposes the bill, yet the Senate Judiciary Committee report is silent on this, for the reason no time was allowed to request departmental reports.

Fourth. The pending measure, in my opinion, should be referred to the Senate Armed Services Committee since it concerns armed service policy.

Fifth. No veterans groups have been requested to report on the bill.

Sixth. No hearings have been held in the Senate.

Seventh. One band family did not join in the court suit. The ridiculous result is that 18 band members will be paid, whereas one will not. In addition combat personnel aboard the same plane would not be entitled to any benefits.

Eighth. There is confusion over Congressional Reference cases. The Court's opinion is not a judgment—it binds no one—it changes no right, duties or obligations. It is simply advisory.

Ninth. Reference cases have a place in contracts where the facts are difficult for a congressional committee. A finding of facts in contract, may be an aid to Congress which should be wary of referring tort cases. Supreme Court has now knocked them out, and the reason the Supreme Court acted was to prevent the instant problem.

Tenth. The bill discriminates against others similarly situated.

Eleventh. Band families are receiving all existing Government gratuities—insurance, burial gratuities, protection for wife and children. This bill is in addition to existing compensations.

Twelfth. This problem should be handled by general legislation. That is why it should go to Armed Services. If the Congress wishes servicemen's insurance as a whole may be increased.

The Department of the Navy on behalf of the Department of Defense, submitted its views to the chairman of the House Judiciary Committee, as well as the chairman of the Senate Judiciary Committee, pointing out in part that it "cannot support the enactment of H.R. 5912 because to provide by legislation, additional financial remuneration for the next of kin of the 18 band members who died in the air collision over Rio de Janeiro, would, be singling out these limited few for preferential treatment, discriminate not only against the next of kin of the 17 other Navy men who died in the same crash, but also against the many other dependents and families who have, under comparable circumstances, lost their husbands or sons or daughters in the service of their country."

I ask unanimous consent that the views of the Department of the Navy as submitted to me through the General Counsel, Department of Defense, be made a part of the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., September 27, 1966.

HON. GEORGE A. SMATHERS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMATHERS: Subsequent to my conversation with your office, upon investigation I find that a report on H.R. 5912 was rendered by the Department of the Navy on behalf of the Department of Defense.

A copy of this report, dated May 19, 1965, and a subsequent additional comment, dated September 10, 1965, are attached.

Sincerely yours,

PAUL C. WARNEKE.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., September 10, 1965.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of July 27, 1965 to the Secretary of the Navy requesting comment on a proposed Amendment No. 368 to S. 1503, a bill "For the relief of the estates of certain former members of the United States Navy Band."

This Amendment would direct the Secretary of the Treasury to pay to the estate of

each of the former members of the United States Navy Band, the sum of \$25,000, representing the amount found by the United States Court of Claims (congressional numbered 11-60, decided December 11, 1964), pursuant to H. Res. 585, 86th Congress, to be equitably due each such estate.

Notwithstanding the decision of the United States Court of Claims in this case, the Navy cannot support the enactment of the proposed Amendment No. 368 for the reasons stated in the Department of the Navy report dated May 19, 1965 on S. 1503.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

M. K. DISNEY,
Captain, U.S. Navy, Director, Legislative Division

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., May 19, 1965.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of March 9, 1965 to the Secretary of the Navy requesting comment on H.R. 5912, a bill "For the relief of the estates of certain former members of the United States Navy Band."

This bill would authorize and direct the Secretary of the Treasury to pay as equitable relief the sum of \$25,000 to each of the estates of 18 former members of the United States Navy Band who were killed in a plane crash during a flight from Buenos Aires, Argentina to Rio de Janeiro, Brazil on February 25, 1960.

On May 17, 1960, a special subcommittee of the House Committee on Armed Services completed report No. 59 which, on p. 5818, contains a comprehensive analysis of monetary benefits received, or to be received under present law by the next of kin of all casualties, including the 19 band members, who died in the Rio plane crash. The Subcommittee in this report commented that a study of this table of benefits, "will demonstrate the wisdom and equity of present law and the substantial nature of these benefits." It also noted that "these benefits are provided without reference to the fact that certain of the deceased were bandmen while others were crew members or simply passengers."

In addition to the direct monetary benefits above mentioned, as a general rule, the widows and dependents will be entitled to medical care in military hospitals, commissary and exchange privileges, and numerous benefits of a lesser nature which are extended to widows of military personnel who die in the line of duty.

Congress in 1956 carefully studied survivor's benefits and in Public Law 881 of the 84th Congress authorized survivor's benefits that were substantially larger than those previously provided. At the same time Congress considered that the enlarged scope of survivor's benefits eliminated the need for Government insurance and therefore repealed the provision of law which provided for automatic \$10,000 free Government insurance. Insurance for personnel in the armed forces since that time has been a personal matter with the individual concerned. The Navy has constantly instructed its personnel that they should make arrangements for any insurance that they feel to be necessary for the financial protection of their survivors. In this connection it should be noted that the records of the Department of the

Navy show that 22 of the 27 deceased personnel who were survived by dependents had taken out insurance, either NSLI or private. This data may not necessarily be complete inasmuch as there is no requirement that a member of the naval service notify the Navy of his insurance coverage. The Navy renders whatever assistance is possible to help its personnel in their affairs but there is no obligation on the part of the military services to make insurance available. Whether or not a member of the armed forces buys insurance is strictly a matter of personal election as evidenced by the fact that about one-fourth of the band members, including some of the deceased who are named in H.R. 5912, bought no insurance for the trip from Washington to Trinidad.

The loss of loved ones is a tragic occurrence regardless of the circumstances surrounding the death. There will always be understandable sadness in the homes of the survivors, however, it is sincerely believed that the not inconsiderable benefits received by the survivors from the Government, while never adequate to compensate for the loss of a loved one, are most fair and compare favorably with the benefits paid by any organization in the country. The Department of the Navy "cannot support the enactment of H.R. 5912 because to provide by legislation, additional financial remuneration for the next of kin of the eighteen band members who died in the air collision over Rio de Janeiro, would, be singling out these limited few for preferential treatment, discriminate not only against the next of kin of the seventeen other Navy men who died in the same crash, but also against the many other dependents and families who have, under comparable circumstances, lost their husbands or sons or daughters in the service of their country."

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

C. R. KEAR, Jr.,

Captain, U.S. Navy, Deputy Chief.

Mr. SMATHERS. In my opinion, if we pass legislation of this nature we will set a bad precedent, and for the reasons stated, I am opposed to its passage.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

PRICE ADJUSTMENTS IN CONTRACTS FOR THE PROCUREMENT OF MILK BY THE DEPARTMENT OF DEFENSE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1635, S. 3834.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3834) to amend chapter 141 of title 10, United States Code, to provide for price adjustment in contracts for the procurement of milk by the Department of Defense.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment on page 1, after line 6, to strike out:

"§ 2390. Contracts for the procurement of milk; price adjustment

"(a) Under regulations prescribed by the Secretary of Defense a contract of the Department of Defense for the procurement of milk where the period of performance exceeds ninety days shall include a provision for an equitable price adjustment for increased or decreased prices paid by a contractor for such milk as a result of increases or decreases in the producer price of fluid milk for beverage purposes ordered by the Secretary of Agriculture after the date of bid opening in a formally advertised procurement or the date of the contract in a negotiated procurement.

"(b) Under regulations prescribed by the Secretary of Defense, any contract for the procurement of milk which was being performed on or after March 1, 1966, may be amended to provide an equitable price adjustment for increased prices paid by a contractor for such milk as a result of increases in the producer prices of fluid milk for beverage purposes ordered by the Secretary of Agriculture on or after March 1, 1966. A price adjustment shall not be made unless it has been determined by the Department that—

"(1) such amount was not included in the contract price;

"(2) the contract does not otherwise contain a provision providing for an adjustment in price; and

"(3) the contractor will suffer a loss under the contract because of such increases in producer prices."

(2) By inserting the following new item in the analysis thereof:

"2390. Contracts for the procurement of milk; price adjustment."

And, in lieu thereof, to insert:

"§ 2389. Contracts for the procurement of milk; price adjustment

"Under regulations prescribed by the Secretary of Defense, any contract for the procurement of fluid milk for beverage purposes which was being performed on or after March 1, 1966, may be amended to provide a price adjustment for losses incurred by a contractor because of increased prices paid to the producers for such milk as a result of action by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk. A price adjustment shall not be made unless it has been determined by the Department that—

"(1) such amount is not included in the contract price;

"(2) the contract does not otherwise contain a provision providing for an adjustment in price; and

"(3) the contractor will suffer a loss, not merely a diminution of anticipated profit, under the contract because of such increases in producer prices;" and

(2) By inserting the following new item in the analysis thereof:

"2389. Contracts for the procurement of milk; price adjustment."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 141 of title 10, United States Code, is amended—

(1) by inserting at the end thereof the following new section:

"§ 2389. Contracts for the procurement of milk; price adjustment

"Under regulations prescribed by the Secretary of Defense, any contract for the procurement of fluid milk for beverage pur-

poses which was being performed on or after March 1, 1966, may be amended to provide a price adjustment for losses incurred by a contractor because of increased prices paid to the producers for such milk as a result of action by the Secretary of Agriculture on or after March 1, 1966, increasing the price of milk. A price adjustment shall not be made unless it has been determined by the Department that—

"(1) such amount is not included in the contract price;

"(2) the contract does not otherwise contain a provision providing for an adjustment in price; and

"(3) the contractor will suffer a loss, not merely a diminution of anticipated profit, under the contract because of such increases in producer prices;" and

(2) By inserting the following new item in the analysis thereof:

"2389. Contracts for the procurement of milk; price adjustment."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1668), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to permit the Secretary of Defense to amend contracts entered into on or after March 1, 1966, for the procurement of fluid milk for beverage purposes to provide a price adjustment for losses incurred by a contractor because of increased prices paid to the producers for such milk as a result of action by the Secretary of Agriculture increasing the price of milk.

EXPLANATION OF THE BILL

This year, as a result of marked decline in milk production, the Secretary of Agriculture has seen fit to modify a number of milk marketing orders to increase the return to the dairy farmers, and in so doing hopefully reverse the downward production trend.

These adjustments could not be successfully anticipated by dairies because the prices ordered by the Secretary of Agriculture are minimum prices. Under milk marketing orders, dairies must pay these prices to their farmer-producers. No exception can be made because they anticipated a lower cost when bidding on a Department of Defense contract.

Certain dairies holding milk contracts with the Department of Defense are experiencing losses on their firm fixed-price contracts as the result of increased prices for raw milk ordered by the Secretary of Agriculture since March 1st of this year. The result of these milk marketing orders reportedly has been to increase the average prices of raw milk approximately 90 cents per hundredweight, which is equivalent to about 8 cents per gallon.

Dairies contracting to supply the military departments with milk for use in mess halls and for resale in military commissaries are performing under fixed-price contracts which do not include a clause authorizing an amendment to the contract, in the event of unforeseen increases in the price of raw milk ordered by the Department of Agriculture. Because of this lack of authority of the Department of Defense to amend procurement contracts of this type, many of the dairies reported are faced with tremendous losses, and even bankruptcy in certain cases, if they attempt to fulfill their contracts.

In light of the circumstances concerning this unanticipated price increase, some re-

medical legislative action seems to be in order.

The Department of Defense agrees with the objectives of the proposed legislation. Under Federal milk marketing orders in effect in parts of 35 States and the District of Columbia the minimum price which the handler (the dairy) is required to pay the producer (the farmer) for fluid milk for beverage purposes is regulated by the Secretary of Agriculture. In March 1966 and again in June 1966 the Secretary of Agriculture increased these minimum prices. Handlers subject to the orders, and holding long-term contracts with the Department of Defense on the effective date of the orders, were required to pay these increased prices to producers but could not obtain a corresponding increase in their fixed-price Defense contracts. In the absence of legislation the Department of Defense is unable to afford these contractors any relief.

Milk prices have been rising this past year even in those market areas which are not regulated by Federal milk marketing orders. Under subsection (a) of the bill as proposed, however, only dairies regulated by Federal milk marketing orders would be covered. Other dairies could also suffer losses just as severe because of actions of the Secretary of Agriculture, such as an increase in the support price for manufacturing milk or because of the impact on the market price for milk of amendments or suspensions of Federal milk marketing orders.

The Department of Defense was, prior to the introduction of S. 3834 already in the process of exploring several methods for achieving the objectives of the legislation. Among the methods being considered are use of an escalation provision, shorter term contracts, and provisions for adjustment prices on contract extensions. It might appear that escalation is an obvious method for accomplishing the objective. However, it is not only cumbersome to administer, but difficult to apply equitably to all contractors. Procurement of milk is made by formal advertising with award made to the low competitive bidder. Hence, an escalation clause would pose problems to which the Department at this point does not have ready answers.

For example, there would be problems in evaluating bids between handlers in regulated areas and handlers in nonregulated areas and in assessing the impact of the marketing order on a particular contract without knowledge of the cost basis for the handler's bid. These problems are compounded by the fact that the price of fluid milk is regulated by over 70 different Federal milk marketing orders and numerous State and local controls. Furthermore, enactment of provisions requiring the inclusion of escalation clauses in milk contracts would establish an undesirable precedent which would tend to undermine the benefits of competitive fixed-price contracting. Accordingly, it was believed desirable to delete subsection (a) of the bill as proposed with the understanding that the Department of Defense will develop procedures in connection with the procurement of milk within existing administrative authority to avoid situations comparable to that which occurred as a consequence of the recent actions by the Department of Agriculture.

Subsection (b) of the bill as proposed was designed to provide relief for those Defense contractors required to pay higher prices to milk producers because of increases in producer prices of fluid milk for beverage purposes ordered by the Secretary of Agriculture. However, the bill would not provide relief for those contractors required to pay higher prices to producers because of increases in the price of manufacturing milk ordered by the Secretary of Agriculture. In areas not covered by Federal milk marketing orders this increase in the manufacturing milk price could have had an effect on

the price paid by Defense contractors to producers for fluid milk for beverage purposes because of its impact on the general market price for milk. In order to provide equitable treatment for all Defense contractors adversely affected by orders of the Secretary of Agriculture in increasing the price of milk, it was found necessary to revise subsection (b) of the bill to provide for price adjustments on the basis of actions of the Secretary of Agriculture increasing the price of milk without limiting such action to increases in producer prices for fluid milk for beverage purposes. Regulations would provide that contractors seeking relief under such a provision would be required to show how these actions of the Secretary of Agriculture affected the price they were required to pay.

In light of the above, new language was drafted incorporating the desired changes. The revised language makes clear that an adjustment in the contract price is not authorized for loss of anticipated profits.

FISCAL DATA

The cost to the Department of Defense for the price adjustments authorized by this measure cannot be ascertained at this time. Each contract involved must be considered on an individual basis. It is estimated that there are some 350 to 375 contracts valued at around \$70 million to \$75 million, of which an estimated 90 percent relate to fluid milk for beverage purposes.

AWARD OF EXEMPLARY REHABILITATION CERTIFICATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1636, H.R. 16646.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16646) to amend title 10, United States Code, to authorize the award of exemplary rehabilitation certificates to certain individuals after considering their character and conduct in civilian life after discharge or dismissal from the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment on page 2, line 8, after the word "honorable", to insert "or who received a general discharge."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1669), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill, as amended, would authorize the Secretary of Labor to issue an "exemplary rehabilitation certificate" to a person discharged or dismissed from an Armed Force under conditions other than honorable or to a person who had received a general discharge if the person establishes that he has rehabilitated himself, that his character is good, and that his conduct since release from the armed services has been good for at least 3 years.

BACKGROUND

For several years, Members of Congress have been concerned with finding a method

for mitigating the lasting, harmful effects of military discharges of a less than honorable type, without impairing military discipline and without detracting from the value of a discharge under honorable conditions. There is general recognition that the less than honorable discharge is a severe handicap in securing employment and that many persons receive such discharges as a result of misconduct when they were young and not sufficiently aware of the serious consequences of their action.

H.R. 16646 has evolved through several attempted legislative solutions for this problem. Like its precursors, this bill would permit a person discharged with other than an honorable discharge to establish that his postservice conduct and reputation have been good and to receive a certificate to this effect; unlike the preceding bills, H.R. 16646 authorizes the issuance of such a certificate by an agency of Government other than the Department of Defense, which considers that evaluation of performance in civilian life is not an appropriate function for it.

The certificate that could be awarded by the Secretary of Labor under the authority of this bill would not entitle a recipient to any benefits unless he would be entitled to those benefits under his original discharge or dismissal. The Secretary of Labor, however, would be authorized to extend special counseling and job development assistance to persons who receive exemplary rehabilitation certificates.

Under the bill at least 3 years must elapse between the military discharge and the date the person applies to the Secretary of Labor for a certificate.

The Secretary must consider relevant evidence that would establish to his satisfaction that (a) the person has rehabilitated himself, (b) his character is good, and (c) his conduct, activities, and habits since he was discharged have been exemplary. Such evidence could be written or oral and it could include such things as notarized statements from law enforcement officers, employers, and persons in a position to judge the applicant's reputation and conduct.

COST

The Department of Labor informed the committee that the increased cost that would result from this bill would be negligible.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NOMINATION AND SELECTION OF CANDIDATES FOR APPOINTMENT TO THE MILITARY, NAVAL, AND AIR FORCE ACADEMIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1638, H.R. 9916.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 9916) to amend title 10, United States Code, with respect to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1670), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The basic purpose of the bill is to broaden several of the categories of persons eligible for appointment to the three service academies. The principal provision of the bill would make the sons of all career members of the Armed Forces, irrespective of whether they are members of the Regular or Reserve components, eligible for appointment to the service academies under the Presidential category.

PROVISIONS OF THE BILL

Change in Presidential competitive category to include sons of all members of the Armed Forces who serve on active duty continuously for at least 8 years

Under existing law only the sons of members of the Regular components of the armed services are eligible to compete for appointment under the Presidential quota providing for the annual appointment of 75 cadets or midshipmen to each of the service academies. The bill changes this category of appointments in two respects. First, the number of appointments authorized to be made annually from this category would be increased from 75 to 100. The effect of increasing by 25 the number of appointments for this category would be to increase the statutory strength of each Academy on a 4-year cumulative basis from 4,417 to 4,517.

It is not the intent of this bill to increase the total number of cadets or midshipmen actually attending an Academy. Existing and planned facilities are geared to the maximum presently authorized by law. To offset the proposed increase of up to 25 per year, there will be a corresponding decrease in the number of secretarial qualified alternates who might otherwise be admitted.

Second, the bill provides for Presidential appointments from sons of any members of the Armed Forces who have served on active duty continuously for at least 8 years, or any members of the Armed Forces who are retired with pay or who died while retired with pay, other than those granted retired pay under section 1331 of title 10, United States Code. This latter provision relates to the entitlement of retired pay to members of the Reserve components who complete 20 years' satisfactory service and become eligible for retired pay at age 60.

The effect of the bill is to make the sons of all career members who have completed 8 years of active service eligible for appointment from the Presidential category in lieu of the present language which restricts the appointments to those who are sons of regular members.

Broadening of eligibility for sons of deceased veterans

Under existing law competitive appointments for the sons of deceased veterans are limited to the sons of veterans who died or were 100 percent disabled as a result of action during World War I or World War II or the Korean conflict.

The bill would broaden the eligibility for this category by making eligible for appointment the sons of veterans who are 100-percent disabled and to the sons of veterans who are killed or disabled as a result of active duty. The effect would be to include the sons of service members who were killed or totally disabled in the line of duty at any time, with the result, of course, that the proposed change would include the sons of members

killed or 100-percent disabled during the present Vietnam conflict.

Contingent nomination authority by the President pro tempore of the Senate

The bill amends existing law authorizing the nomination of five cadets or midshipmen at large by the Vice President by proposing language to allow the President pro tempore of the Senate to nominate candidates for vacancies authorized for the Vice President on those rare occasions when there is no Vice President.

Eligibility for appointment to the academies of members of the National Guard

Existing law authorizes the Secretaries of the Army and Air Force to appoint annually to their respective Academies 85 enlisted members of the Army Reserve and the Air Force Reserve. The bill makes a technical language change in order to insure that members of the respective National Guard will be eligible for appointment to the Academies in this Reserve category.

No decrease in appointments from congressional sources

Section 2 of the bill in effect provides that the annual increase of 25 in Presidential appointments shall not serve to reduce or diminish the number of qualified alternates from congressional sources who are appointed by the appropriate service Secretaries under the authority to make appointments to fill unused vacancies for the purpose of maintaining the strength at the academies. Existing law requires that 75 percent of the secretarial qualified alternates must come from among young men nominated by Members of Congress.

Statistical information

Set forth below are the appointment sources for cadets-midshipmen to the various service academies. The effect of the bill would be to increase the Presidential category from 75 to 100 annually.

Appointment sources	Authorized appointments under existing law	
	Annual	Cumulative
I. Noncompetitive:		
Senators.....	500	
Representatives.....	2,175	
Vice President.....	5	
Sons of deceased veterans.....	40	
District of Columbia.....	5	
Guam, Samoa, and Virgin Islands.....	1	
Puerto Rico.....	6	
Canal Zone.....	1	
Subtotal.....	2,733	
II. Competitive:		
President: Sons of Regulars.....	75	300
Secretary:		
Enlisted Regulars.....	85	340
Enlisted Reserves.....	85	340
Military schools.....	20	80
Congressional: Qualified alternates.....	150	600
President: Medal of Honor sons.....		
Subtotal.....	415	1,660
III. Specific foreign students:		
Philippine Islands.....		4
American Republics.....		20
Subtotal.....		24
Total.....		4,417

¹ The bill would increase this category of appointments from 75 to 100 per year—or from 300 to 400 on a 4-year cumulative basis.

COST DATA

The enactment of this legislation will not increase the budgetary requirements of the Department of Defense.

REDUCTION OF U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, some days ago, I responded to questions regarding troop reduction in Europe which were put to me by Heinz Pol, correspondent of the "Frankfurter Rundschau."

Subsequently, excerpts from my answers were transmitted back to the United States and appeared in various public media. In order that my full responses may be available to the Senate, I ask unanimous consent that the questions and answers submitted regarding troop reduction in Europe by the Frankfurter Rundschau be published at this point in the RECORD.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

Question: When do you think the resolution of the Senate Democratic Political Committee will be debated and acted upon by the Senate? Do you expect a long and perhaps stormy debate?

Answer: It is expected that the resolution will be considered during the present session. The Senate may decide to adopt it, to reject it, to modify it, or to refer it to a committee or committees. In any event, there will probably be considerable debate on the matter which, I would hope, will be temperate and restrained.

Question: Would you favor having the whole problem of a reduction of American forces in Europe discussed with the Allies before a final decision is taken by the Administration?

Answer: Certainly diplomatic discussion of this problem with allied nations is to be expected, whether or not the resolution is adopted. I assume that such discussions have been going on all along. But in all frankness and in the light of the unilateral decisions of other allied nations towards previous NATO guidelines on troop strengths, those nations should not expect to exercise a veto on U.S. decisions respecting American force levels in Europe.

Question: Would you urge the President to discuss this problem with German chancellor Erhard when he visits Washington at the end of the month? Should there be a meeting between Mr. Erhard and leaders of Congress during which the problem will also be discussed?

Answer: U.S. troop commitments in Europe would appear to me to be a pertinent subject for discussion in the forthcoming talks between Chancellor Erhard and President Johnson. Moreover, if they conclude that it would be useful for Mr. Erhard to meet with Senators, that could be arranged. It is not an unusual practice for visiting parliamentary leaders to get together for a talk with Members of the Senate Foreign Relations Committee and other Senators.

Question: How should a gradual reduction of American forces in Europe be organized? When should it start? Should troops be reduced over a period of years or within a short time? How large should the reduction be?

Answer: In my judgment, the details of a troop reduction are properly left to the Executive Branch of the United States government. What is proposed in the resolution is only to make clear the Senate attitude on the question. In the past, I have used various illustrative figures. Suggestions range from a cut of ten percent to four or five divisions. But those are individual opinions. The resolution uses the term "substantial" reduction.

Question: Do you share the opinion of your colleagues that a reduction might have a detrimental political effect on Bonn, and might lead to a reorientation of German foreign policy towards the Soviet Union? Would the future of NATO be endangered in any way by a reduction of USA forces in Europe?

Answer: I do not share that opinion. It has been my view for a long time that the presence of American troops in Europe as a symbol of intent is the fundamental of the defense requirement for western Europe and the Atlantic region. In my judgment, "presence" can be symbolized by, say two American divisions as well as by 22. On this basis, I do not believe a reduction in U.S. troop deployment can endanger the future of NATO. Much less do I believe that a reduction, of itself, can supply a rationale for any basic realignment in German foreign policy, especially when West Germany itself has not met its commitment of forces to NATO.

Question: Would you kindly state the advantages of the proposal of the Committee to the USA as well as to NATO?

Answer: A detailed answer to this question is contained in the original speech which I gave on the Senate floor. The following is an excerpt of the significant paragraphs in that speech:

"Western Europe has long since rehabilitated itself after the devastation of World War II. It is now a thriving and dynamic region of greatly expanded economic and political, and potential military capacity. That factor alone, in my judgment, would justify a revision of the 15-year-old level of deployment whereby the greatest share of Western Europe's defense is borne by the United States as though the former were still war weakened, exhausted, and incapable of an equitable defense effort of its own.

"There are other considerations which point in the same direction. The fact is that NATO allies have recognized a significant change in the earlier East-West European confrontation which apparently justifies in their eyes a reduced emphasis on defense. Certainly, the sizes of their troop deployments to the NATO Command are remote from the estimates which they originally accepted as necessary. That strongly suggests a changed view of Eastern Europe. In this connection, moreover, it should be noted that relationships, as between Western Europe and Eastern Europe have, in fact, altered for the better in these last 15 years. The channels of trade, communication, diplomacy and other exchanges have been improved and enlarged. There is an obvious lessening of tensions as compared with 1951.

"There is no question that this trend has had a strong influence on the attitude of the Western European countries toward their NATO commitments. Indeed, in the case of France, it has led even to an insistence that there be a withdrawal of forces which are stationed there as part of NATO.

"Finally, I should note that the maintenance of the present level of U.S. forces in Europe is very costly both in tax dollars and in dollar exchange to the people of the United States. Of course, if it were vital to the security of the Nation and to the preservation of world peace, we would find, in one way or another, the financial resources to keep 6 or 16 divisions in Europe. But when the indications are that the U.S. military establishment in Western Europe is excessive to need, when the attitudes and actions of Western European allies confirm the conclusion that reductions can be made in the great contingent of American military forces and dependents, then it is wholly unwarranted to sustain an unnecessary dollar and dollar-exchange drain."

THE UNLAWFUL TAKING OF PROPERTY FROM A PIPELINE

Mr. MONRONEY. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to the bill S. 3433, to make it a criminal offense to steal, embezzle, or otherwise unlawfully take property from a pipeline, and for other purposes.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3433) to make it a criminal offense to steal, embezzle, or otherwise unlawfully take property from a pipeline, and for other purposes, which were, on page 2, after line 7 insert:

(c) That section is further amended by adding at the end thereof the following new sentence: "Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

On page 2, line 8, strike out "(c)", and insert "(d)"; on page 2, line 12, strike out "(d)", and insert "(e)"; on page 3, after line 2, insert:

(b) That section is further amended by adding at the end thereof the following new sentence: "Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

On page 3, line 3, strike out "(b)", and insert "(c)"; and on page 3, line 6, strike out "(c)", and insert "(d)".

Mr. MONRONEY. Mr. President, the only substantive change made by the House is the addition of language to make it clear that it is not the intent of the Congress to preempt State criminal prosecutions in the areas that are covered by the sections of the Federal Criminal Code which this bill seeks to amend.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma that the Senate concur in the House amendments.

The motion was agreed to.

PRAYER IN THE PUBLIC SCHOOLS

Mr. BAYH. Mr. President, very informative and thought-provoking articles on the subject of prayer in the public schools have been published recently in two highly respected journals.

Prof. Donald Reich, a political scientist from Oberlin College, reported in the Phi Delta Kappan for September 1966, on responses made to a number of questionnaires and public opinion surveys on this controversial issue. Mr. James B.

Panoch, who is executive secretary of the Religious Instruction Association, Inc., and teaches the course in biblical literature at Southside Public High School, Fort Wayne, Ind., analyzed the problem of "voluntary prayer" and "meditation periods" in the September 30 issue of Christianity Today.

Mr. President, because of the timeliness and significance of these two articles, I ask unanimous consent that they be printed at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Phi Delta Kappan, September 1966]
THE SUPREME COURT AND PUBLIC POLICY: THE SCHOOL PRAYER CASES

(NOTE.—With new federal legislation or a constitutional change to permit prayer in public schools now a definite possibility, the public opinion and status surveys reported here take on added significance.)

(By Donald R. Reich)

Wishful thinking, if not outright self-deception, plays a significant part in discussions of American constitutional issues. Issues of church and state, perhaps especially when the question of religion in education is involved, have not been free of wishful thinking. Among the "ten theses" nailed to the end of a major survey of the church-state issue published in 1953 was this one: "... the American people have by and large been faithful to the obligation placed on them by framers of the First Amendment: church and state have been kept separate, and religious freedom has been preserved. The people have willingly kept faith; whenever an opportunity has presented itself to obtain an expression of the voice of the people, that voice has clearly been expressed on the side of absolute separation and freedom."¹

Religious freedom has been preserved, by and large, but not because church and state have been absolutely separate. In fact, one might argue the reverse. A questionnaire of public schools in 1961 suggests that religion at that time actually pervaded public education.² The survey found:

Gideon Bibles distributed in 42.7 percent of school systems;

Baccalaureate services part of graduation exercises in 86.8 percent;

Homeroom devotional exercises held in all schools of the system in 33.1 percent and in some schools in 17 percent of the systems;

Regular chapel in 22 percent (70.8 in the South); Bible reading in 41.7 percent (76.8 in the South; 67.5 in the East);

Christmas observed in 87.9 percent;

Classes held in church buildings in 7.7 percent of all schools;

Member of religious orders teaching in 5.7 percent.

BIBLE-READING CASES

Up to the 1960's the issue of prayer and Bible reading in the public schools had been adjudicated primarily in the state courts. In 1931, 1952, and 1960 the U.S. Supreme Court considered cases involving Bible reading but refused to rule on technical grounds. By 1962, when the Supreme Court heard and decided the New York Regents Prayer Case, legislation and litigation on school prayer and Bible reading in the state was largely

¹ Leo Pfeffer, *Church, State, and Freedom*. Boston: Beacon Press, 1953.

² R. B. Dierenfield, "The Extent of Religious Influence in American Public Schools," *Religious Education*, Vol. 56, 1961, pp. 175-77.

permissive. Eleven states (Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Massachusetts, New Jersey, Tennessee) required Bible reading by statute. Five states (Indiana, Iowa, Kansas, North Dakota, Oklahoma) permitted it by statute. In seven states the courts had upheld Bible reading without a reference to a statute (Colorado, Maryland, Michigan, Minnesota, New York, Ohio, Texas) and in Mississippi the state constitution prohibited the exclusion of the Bible from the classroom. In six states, courts had found instances of Bible reading unconstitutional (Illinois, Louisiana, Nebraska, South Dakota, Washington, Wisconsin) and in six others (Arizona, California, New Mexico, Nevada, Oregon, Utah) opinions of the attorneys general had found Bible reading unconstitutional. In the remaining states Bible reading was not mentioned in the statutes and had not been litigated in the state courts. No state laws or court decisions prohibited the use of the Lord's Prayer in the classroom.

To those members of the Supreme Court disposed to move against the role of religion in the schools the Regents Prayer Case may have seemed to present a likely occasion for a first step. Neither the Bible nor the Lord's Prayer, but an innocuous prayer drafted by the New York Board of Regents with the help and approval of religious leaders, was involved. Justice Black, speaking for five members of a seven-man Court, found that the prayer was governmental in composition and administration and was therefore a violation of the establishment clause of the First Amendment. One year later the Court decided the Pennsylvania Bible-reading Case and the Baltimore Lord's Prayer Case brought by the irrepressible Madalyn Murray. Justice Clark spoke for eight members of the Court and found the Bible-reading statute and the Lord's Prayer rule unconstitutional because the advancement of religion was their purpose and primary effect.

RESPONSE TO THE DECISIONS

Reaction to the Regents Prayer decision was predominantly hostile and in some ways strident.³ The negative response in Congress took several forms, notably the introduction of constitutional amendments to overturn the decision by 22 senators and 53 members of the House and the opening of a forum for the Court's critics in Senator Eastland's Judiciary Committee. The Governors' Conference resolved to urge an amendment permitting voluntary prayer, with only one governor, Rockefeller, abstaining.

The predominance of critical response after the Regents Prayer Case contrasts with the reaction to the Lord's Prayer and Bible Cases. Public opinion continued to be highly unfavorable, but many opinion leaders and interest groups that had been in highly vocal opposition to the Court earlier now became silent or suggested restraint. The dominant position among religious leaders, with a few conspicuous exceptions, was one of great respect for the Court's authority if not complete agreement with its decision. This shift from substance to procedure was also visible in greater press support than appeared after the Regents Prayer decision.

As the reaction in these quarters moderated, however, organizational and political action in others increased and ultimately focused on the hearings in the House Judiciary Committee on the so-called Becker Amendment. Congressional mail favoring a "prayer amendment" was exceptionally heavy early in 1964. Under the threat of a discharge petition, Congressman Celler, chairman of the House Judiciary Committee, eventually felt compelled to hold hearings.

³ William M. Beaney and Edward N. Belser, "Prayer and Politics: The Impact of *Engel* and *Schempp* on the Political Process," *Journal of Public Law*, Vol. 13, 1964, pp. 475-503.

In the Senate 27 members had introduced new resolutions favoring amendment to permit prayer and in the House 113 members did so. Much of the mail received was identifiable by source, but its volume was extraordinarily high and in some cases it was supplemented by local petitions carrying thousands of signatures. This pressure soon was countered by a mail campaign on the other side and by a coordinated effort among religious leaders to publicize the prayer amendment as an attack on the First Amendment and to round up a strong group to testify against it in the hearings. Support for an amendment in the Judiciary Committee itself was high at the beginning of the hearings but drained away rapidly as the anti-amendment campaign progressed.

The overwhelming majority by which the public objected to the Court's decisions in the Lord's Prayer and Bible Cases is worth further attention. Several weeks after the decisions, the Gallup Poll asked: "The U.S. Supreme Court has ruled that no state or local government may require the reading of the Lord's Prayer or Bible verses in public schools. What are your views on this?" Seventy percent of the respondents opposed the decisions, 24 percent approved them, and 6 percent had no opinion.

In November, 1964, six months after the Becker Amendment hearings but in the midst of the presidential campaign, the Michigan Survey Research Center put this question in its national survey: "Some people think it is all right for the public schools to start each day with a prayer. Others feel that religion does not belong in the public schools but should be taken care of by the family and the church. Have you been interested enough in this to favor one side over the other? Which?" The response to this question was more sharply skewed and more intense than that to any other policy question on the questionnaire (e.g., federal aid to schools, federal aid for parochial schools, school desegregation, school busing, and integration). Of 1571 respondents, 6 percent reported no interest in the question, 74 percent said schools should be allowed to start each day with a prayer, and 15 percent said religion does not belong in the schools. These attitudes were intensely held: Ninety-seven percent of those favoring prayer in the schools and 90 percent of those against it said their minds were made up on this issue.

A second question that evoked responses relating to the prayer decision makes it possible to specify more closely the intensity of the issue and the anti-Court attitudes it stimulated or enhanced. In the post-election segment of the survey, which reached 1,450 of the 1,571 original respondents, the interviewers posed the following question: "We are all pretty busy these days and can't be expected to keep up on everything. Have you had time to pay any attention to what the Supreme Court of the United States has been doing in the past few years? Is there anything in particular that it has done that you have liked or disliked?"

Forty-one percent of the respondents reported that they had paid attention to what the Court had been doing. Of this group, 12 percent had both good and bad things to say about the Court, 25 percent had only good things to say, and 63 percent had only negative things to say. These figures represent an unexpectedly high degree of popular interest in the Court's activities and a high proportion of negative attitudes toward its work. What stands out when the responses are broken down is the predominance of the prayer issue as a negative factor in attitudes toward the Court at the end of 1964, a year and a half after the decisions in the Lord's Prayer and Bible-reading Cases. Among the positive mentions of the Court's work, civil rights was predominant. Only 27 respondents mentioned the prayer issue positively, compared with 138 positive mentions of civil

rights. The most striking response was the 252 negative mentions of the prayer issue. This figure represents 17 percent of the entire post-election sample and 42 percent of those who reported some attentiveness to the Court's activities. Civil rights was second to the prayer issue with 145 negative mentions, and protection of criminal rights was third with 46 negative mentions. The overlap between those critical of the Court for both civil rights and the prayer issue is less than might have been expected; only 46 persons mentioned both issues.

One other sampling of opinion directly relevant to the environment in which the Court's decisions are enforced should be cited here.⁴ During the school year 1963-64 the Educational Testing Service conducted a national survey of attitudes among 16,000 high school principals. The questionnaire included this question: "Do you agree with the recent Supreme Court decisions concerning compulsory prayer and Bible reading in the public schools?"

Thirty-eight percent of the public school principals agreed with the decisions. This contrasts quite sharply with 73 percent agreement with decisions "concerning racial segregation in schools." The level of support for the prayer decisions varied with the per-student expenditure (the higher the expenditure the greater the support) and with size of school (the larger the school the greater the support), but the highest level of support in any of these categories was 43 percent. The level of support also varied regionally: It was 35 percent in New England, 30 percent in the Middle Atlantic States, 39 percent in the East North Central Section, 35 percent in the West North Central Section, 29 percent in the Solid South, 27 percent in the Border States, 41 percent in the Mountain States, and 52 percent in the Pacific States.

HAVE THE SCHOOLS COMPLIED

As in the case of the released-time decisions, reliable evidence about compliance is hard to come by. What evidence there is suggests great variation from state to state and community to community. The ETS survey of high school principals asked one-fifth of them: "Are there regular religious observances at your school (e.g., prayer, Bible reading, etc.)?"

One quarter of the public school principals reported such observances. The regional figures, which include private as well as public schools, are: New England 30 percent, Middle Atlantic States 47 percent, East North Central Section 26 percent, West North Central 16 percent, Solid South 66 percent, Border States 52 percent, Mountain States 18 percent, Pacific States 19 percent. The figures for eight states selected from the major regions are: Massachusetts 37 percent, New York 24 percent, Michigan 25 percent, Missouri 24 percent, Georgia 75 percent, Tennessee 88 percent, Colorado 9 percent, California 17 percent.

A more recent study based on responses to a questionnaire by 41 state superintendents of public instruction reports that in 29 states that reported Bible reading to some extent prior to 1963, only five now report that it has almost completely stopped and six report that it continues as before. The remaining states fell between these two extremes.⁵

In a few states public or private agencies have conducted surveys of compliance. Kentucky is among the states that required Bible reading by statute. In 1964 the Kentucky State Department of Education sent questionnaires to all school superintendents requesting information on changes follow-

⁴ John K. Hemphill, et al., *Report of the Senior High-School Principalship*. Princeton, N.J.: Educational Testing Service, 1962.

⁵ Ellis Katz, *Patterns of Compliance with the Schempp Decisions*, *Journal of Public Law*, Vol. 14, 1965.

ing the Court's decisions.⁶ Fifteen percent of the superintendents reported that their boards of education had written new policies on Bible reading and prayer but 40 percent of those policies authorized Bible reading and prayer in the schools. Sixty-nine percent of the superintendents reported unwritten policies or understandings permitting Bible reading and prayer, and 34 percent reported that their school systems discontinued prayer after the Court's decision. In Iowa, where prayer and Bible reading were permitted and practiced in about half of the school districts, a survey by the American Civil Liberties Union to which 72 percent of school superintendents replied found prayers being said on an organized basis during school hours in 15 percent of the school systems.

The official response in many states in the months after the 1963 decisions was confused by conflicting statements of policy emanating from several sources. Attorneys general, school superintendents, and boards of education in many cases moved in opposing directions. The situation today is somewhat less confusing, though not entirely comprehensible. Outside the South formal legal compliance has been forthcoming from most states whose statutes or judicial decisions were clearly in conflict with the Court's decisions. In a number of cases compliance has taken the form of a "hands-off" policy at the state level with the burden for policy-making shifted to the local school districts.

The task of measuring the reach of the Court's decision up to this point has fallen largely to local officials, particularly school boards, school superintendents, and local legal counsel. It is here that the decisions have had their greatest impact, as measured by the amount of conflict that has arisen since June of 1963. No state has been completely spared local difficulties of this kind and in some communities the conflicts have seemed to be vehicles for the expression of rather intense differences of opinion about the educational process between ideological groups in the community or between citizen groups of varying persuasion and professional educators. Conflicts have arisen over prayer and Bible reading themselves, silent meditation, singing of certain parts of patriotic songs, the flag pledge, released or dismissed or shared time, commencement, baccalaureate, holidays, Christmas carols, nativity scenes, bus transportation, textbooks, etc.

CONCLUSIONS

The impact studies suggest that the effect of judicial decision-making varies from issue to issue. I would go further and raise the possibility that the Supreme Court may be as ill-prepared to deal with some major questions of social policy today as it proved itself to be in dealing with major questions of economic policy three decades ago. The most effective charge made against the "bad old Court" of the mid-1930's was that it had no regard for the consequences of its decisions. Indeed, conservative justices like Sutherland argued that the Court had no business looking at consequences because its duty was simply to read the Constitution.

The Court undoubtedly suffers from a paucity of information and contact when compared with the President, or Congress, or one of the large administrative agencies, all of which have elaborate communication and persuasion systems. The Court, in contrast, has no bureaucracy except the lower federal courts, and its communications system is cluttered up by the formalism of the legal process. Questions of policy do not reach the Court, usually, as compromiseable matters but as "issues of state" resolvable often

only, in effect, by amending the Constitution. Constitutional politics is, of course, preeminently a politics of grand issues rather than a politics of small adjustments. I am reminded of Sam Rayburn's caustic remark to an eager freshman member of the House who wouldn't go along with a compromise on a piece of legislation, "What do you want, son, an issue or a bill?"

In short, when the Court tends to make policy on flatly constitutional grounds rather than on grounds of policy implications, the result often is surprising and unpredictable. This may account for the failure of the public to discount Supreme Court decisions ahead of time as it generally does the important decisions of the executive and legislative branches.

None of these general questions is resolvable solely on the basis of evidence about the impact of the school prayer decisions or evidence from all the impact studies that have been done in the last few years. Such information, however, should add a dimension to the study of judicial policy-making, one of the more opaque subjects of political science. Such studies, I hope, will add a behavioral context for a decision-making system that has been perceived largely in moral and doctrinal terms.

[From Christianity Today, Sept. 30, 1966]
IS PRAYER IN PUBLIC SCHOOLS AN ILLEGAL MANEUVER?

(By James V. Panoch)

At the end of 1965, three and one-half years after the "Prayer Decision" (*Engel v. Vitale*), the United States Supreme Court added an exclamation point to that decision by refusing to review a lower-court case banning classroom prayer (*Stein v. Oshinsky*). However, a correct reading of the court's intentions shows that not all prayer in the public school is illegal.

Within weeks after the 1962 prayer case, Mr. Justice Clark indicated that he and his colleagues did not intend to ban all prayer. Speaking in San Francisco, he quoted approvingly these words: "Most commentators suggested that the court had outlawed religious observance in public schools when, in fact, the court did nothing of the kind" and also remarked, "As one commentator said, the trouble is that the court like the complaint of the wife 'is never understood.'"

Moreover, the office of the United States Attorney General, in attempting to interpret the court action to citizens on behalf of the President, has repeatedly made such statements as, "You will note that the decision in the *Engel* case in no way restricts the right of individuals to pray," or, "These decisions do not in any way restrict the right of private individuals or groups to pray, but are aimed at the use of the power of government to channel religious observances into prescribed official forms" (letters from Norbert A. Schlei, Assistant United States Attorney General, Oct. 4, 1962, and July 13, 1963).

Among the questions regarding prayer in the public school that need more complete answers are these: (1) What is permissible? (2) Why is it permissible? (3) When is it permissible?

Prayer must be classified before one attempts to decide which kinds are permissible in public education. One simple classification separates silent from oral prayer. Repeatedly the Supreme Court has emphasized the distinction between the freedom to believe and the freedom to act. The freedom to believe, it has said, is absolute, but in the very nature of things the freedom to act cannot be. Following this logic, we may say that oral prayer comes under the freedom to act and must of necessity carry some limitations, whereas silent prayer comes under the freedom to believe and should not—in fact cannot—carry any limitations. As Paul W. Bruton of the University of Pennsylvania

Law School has said, "No one has been forbidden to engage in prayer in a public school if he wishes to do so as a purely individual activity" ("The Law of Church and State," speech at Pennsylvania Conference on Church and State, Oct. 13, 1965). Silent prayer is permissible.

Moreover, it may be that under certain circumstances even oral prayer is permissible. Robert Matthews, Attorney General of Kentucky, declared in an official opinion, "In our opinion, nothing objectionable would be found in a student, during a period of meditation, voluntarily or spontaneously saying a prayer, silent or vocal" (Kentucky Attorney General's Opinion, OAG 64-111, Feb. 7, 1964).

During the many days of hearings on school prayers before the Committee on Judiciary of the House of Representatives, Committee Chairman EMANUEL CELLER pointed out, "I say that the teacher, consistent with this decision, could say to the children, 'You are now permitted for a period of two minutes to recite to yourselves if you wish, a prayer.' They could do it out loud or they could do it meditatively without saying a word" (United States, Congress House, Committee on the Judiciary, *Hearings on Proposed Amendments to the Constitution Relating to Prayers and Bible reading in the Public School*, 88th Cong., 2nd Sess., 1964, p. 2050).

To one recognized authority on church-state relations, Leo Pfeffer, it is obvious that prayer has not been forbidden. He noted, "There is not one word in any decision of the Supreme Court including *Murray*, *Engel*, *Zorach*, or *McCullum*, or any state court decision which can, to any extent, be interpreted as forbidding children to pray or to read the Bible in the public schools" (*ibid.*, p. 923).

"VOLUNTARY PRAYER"

Another way to classify prayer in this context is through the subtle distinction between "voluntary prayer" and "prayer that is voluntary." This distinction, though it may seem strained, is really the heart of the matter. By "voluntary prayer" is meant prayer in which the student determines what is said, when it is said, where it is said, and how it is said. By "prayer that is voluntary" is meant prayer determined by the state, acting through the school; the "voluntary" aspect is that the student can choose whether to participate. Repeatedly the Supreme Court has ruled that the second type, "prayer that is voluntary," is illegal. However, it has never ruled on the first type, "voluntary prayer."

In the New York case, *Stein v. Oshinsky*, that the Supreme Court refused to review last year, two prayers suggested as voluntary were barred: "God is great, God is good, and we thank Him for our food; Amen," and "Thank you for the world so sweet; thank you for the food we eat; thank you for the birds that sing; thank you, God, for everything."

That the court did not in *Engel v. Vitale* rule on "voluntary prayer" seems to be borne out by a statement from the United States Attorney General's office on behalf of the President concerning school prayers, "The court did not rule on the question of whether the practice of saying school prayers which are not officially sanctioned by public school officials, violates the Constitution" (letter from Norbert A. Schlei, Assistant United States Attorney General, Oct. 4, 1962).

During hearings on the Bible-reading decision, Mr. Justice Black noted, "Students have the right to practice prayer and read the Bible. They do not have the right to the aid of the state in that exercise" (United States Supreme Court, *Considerations, Abington v. Schempp*, 374 U.S. 203 [1963]). The first part of his statement indicates that he would approve "voluntary prayer," and the second part that he disapproves of the

⁶ Samuel K. Alexander, Jr., "An Analysis of the Present Trend in the Church-State Issue in the Public Schools of Kentucky," *Educational Bulletin*, Commonwealth of Kentucky, Vol. 32, November, 1964, No. 11.

state's organizing "voluntary prayer" so as to change it to a "prayer that is voluntary."

The views of this distinguished jurist have support among professors of law and attorneys general. James C. Kirby, professor of law at Vanderbilt University, when asked if non-prescribed prayers should be permitted in public schools, answered, "It is my opinion from the narrow holdings of these cases dealing with law compelling official forms for religious ceremonies, that that which originates from the individual . . . is not affected. And it is permissible" (United States, Congress, House, Committee on the Judiciary, *op. cit.*, p. 2136). Attorney General Walter E. Alessandrini of the Commonwealth of Pennsylvania said, ". . . nor is there any restraint upon unorganized, private, personal prayer or Bible reading by pupils during the free moments of the day which is not a part of the school program and does not interfere with the school schedule" (Pennsylvania Attorney General's Opinion, No. 260, Aug. 26, 1963).

It is just as unconstitutional to stop a "voluntary prayer" as it is to start a "prayer that is voluntary." Leo Pfeffer says it most effectively: "The First Amendment has two parts. One part says Congress shall make no law respecting an establishment of religion and the other says no law prohibiting its free exercise. If a child felt it necessary to say a prayer before partaking of bread or milk or cookies and the state says you can't do that, that would be a violation of the free exercise clause and just as unconstitutional as the Supreme Court says in *Murray* it is for the teacher to say to the children that you will now say grace or read from the Bible" (United States, Congress, House, Committee on the Judiciary, *op. cit.*, p. 924). And Professor Kirby comments, ". . . some laws compel certain conduct, some laws forbid certain conduct. The great bulk of human activity is not touched upon by the law. It is neither compelled nor prohibited. The effect of the Supreme Court decision was to place prayer in the public schools in this third category where the law is neutral" (*ibid.*, p. 2136).

STATE PURELY NEUTRAL

The Constitution limits the state but not the individual. In interpreting the Constitution, the Supreme Court has limited state-prescribed prayer ("prayer that is voluntary"), not student prayer ("voluntary prayer").

Assuming that the question of what prayers are permissible has been clarified, the next question is, "Why is prayer permissible in the classroom?" One good reason for permitting classroom prayer is that the denial of such permission inhibits religion. On this point Professor Paul G. Kauper of the University of Michigan Law School notes, "There is merit to the argument that if the public schools are indifferent to the religious factor in the life of the Nation, they are thereby contributing to an official philosophy of secularism and, therefore, are not really neutral in religious matters" (*ibid.*, p. 1692).

Inhibiting religion is denied the state by the test set down by the Supreme Court in the *Schempp* case: "The test may be stated as follows: what are the purpose and primary effect of the enactment? If either is the advancement or inhibition of religion then the enactments exceed the scope of legislative power as circumscribed by the Constitution" (United States Supreme Court, *Abington v. Schempp*, 374, U.S. 203 [1963]).

In a separate opinion in that case, Mr. Justice Stewart observed, "For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion" (*ibid.*).

The report of the Commission on Religion in the Public Schools of the American Association of School Administrators charges schools "with the responsibility to provide an environment in which the practices and values that are rooted in the homes and churches can flourish" (*Religion in the Public Schools*, Harper & Row, 1964, p. 28).

It is clear, therefore, that the student who values and practices prayer must be permitted the opportunity to pray in the classroom. But when?

MEDITATION PERIOD

The idea of a period of meditation is emerging as a real possibility. George LaNoue, of the Center of Advanced Study of Brookings Institution and the Department of Religious Liberty of the National Council of Churches, points out the reason for using the word "meditation": ". . . meditation is a neutral act to be defined by the dictates of one's personal conscience, while prayer is specifically religious even if silent" (United States, Congress, House, Committee on the Judiciary, *op. cit.*, p. 1656).

The Union of Orthodox Jewish Congregations of America has expressed favor toward the idea of a period of meditation: "We would deem it appropriate and consistent with the first Amendment to afford the pupils of public schools the opportunity to set out on their day's tasks with a moment of devotion. We therefore see no objection if the school day were to start with a period of meditation" (Union of Orthodox Jewish Congregations of America, 1963 National Convention Resolution No. 18). A period of meditation is not unconstitutional, says T. M. Cooley: "It was never intended by the Constitution that the government should be prohibited from recognizing religion—where it might be done without drawing any individual distinction between different religious beliefs, organizations, or sects" (*Principles of Constitutional Law*, pp. 224, 225).

A multitude of comments from many lawyers indicates that a classroom period of meditation is not only legal but also desirable. In making recommendations about what could be done in view of the court's decision, Professor Paul A. Freund of the Harvard University Law School suggested, "The first, closest to the prayer itself, is the brief period of silent reverence or meditation, during which each pupil will recite to himself what his heart or his upbringing will prompt" (United States, Congress, House, Committee on the Judiciary, *op. cit.*, p. 1656).

Professor Willard Heckel, dean of the Rutgers University Law School, said, "Now, I think clearly there is nothing unconstitutional about giving young people the opportunity, the time for silent prayer or meditation because here, again, this is part of the free exercise side of the coin" (*ibid.*, p. 1990).

And Professor Paul G. Kauper of the University of Michigan Law School has declared, "The Supreme Court, it should be emphasized, has not held that there can be no prayer in the public schools. Nothing in the court's decision precludes school authorities from designating a period of silence for prayer and meditation or even for devotional reading of the Bible or any other book during this period" (*ibid.*, p. 1692).

The saluting of the flag and the provision of chapels on government property have elements in common with classroom prayer. In a 1943 decision (*West Virginia v. Barnette*, 319 U.S. 624), the United States Supreme Court reversed an earlier decision (*Minersville School District v. Gobitis*, 310 U.S. 586, [1940]) and ruled that students could not be compelled to salute the flag. But in protecting the personal right of a student not to repeat the pledge, the court neither excused him from the exercise nor abolished the exercise itself.

A soldier and a student have at least one thing in common: they are compelled to be at a place not of their choosing. The state, recognizing that the compulsion it exerts upon a soldier limits his opportunity for worship, provides both chapels and chaplains. In their separate opinions in the *Schempp* case, both Justice Brennan and Justice Stewart touched on this point. Said Mr. Justice Brennan, "Hostility, not neutrality, would characterize the refusal to provide chaplains in places of worship for prisoners and soldiers cut off by the state from all civilian opportunities for public communion . . ." (United States Supreme Court, *Abington v. Schempp*, 384 U.S. 203 [1963]). And Mr. Justice Stewart said, "A lonely soldier stationed at some far away outpost could surely complain that a government which did not provide him the opportunity for pastoral guidance was affirmatively prohibiting the free exercise of his religion" (*ibid.*).

Because the amount of compulsion exerted on a student is far less than that exerted on a soldier, the remedy need not be as dramatic. Therefore, it is certainly not necessary for every classroom to have a chapel. Yet a period of meditation surely seems justifiable. There is a meditation room in the United Nations Building and a prayer chapel in the nation's Capitol. The supposed users of each of these have less of a need for such a provision than the immature student confined to the classroom. Although schedules would prevent an efficient use of a meditation room, a period of meditation does seem workable.

OPPOSITION

What little opposition there is to a period of meditation comes from two sources—those who say it is "too little" and those who say it is "too much." Those who say that it would be too limited an opportunity for religious expression suggest that any limitation is an infringement of the free-exercise clause. However, even the church has found it necessary to limit the scheduled time of prayer for the orderly conducting of its affairs. (When is the last time you heard a prayer offered during the middle of the sermon?) Those holding the "too little" view also convey the idea that the school should compel students to pray, or at least make it uncomfortable for those who choose not to pray.

Those who say that a period of meditation would give "too much" opportunity for religious expression suggest that education should provide no such opportunity. But according to the Educational Policies Commission of the National Education Association: "Development of moral and spiritual values is basic to all other educational objectives." (*Moral and Spiritual Values in the Public Schools*, National Education Association, 1954, p. 6). On the point of establishment, Harold E. Achor, judge, Supreme Court of Indiana, made the following observation about the Regents Prayer, "To me it was no more logical to prohibit the children in New York from repeating this reverent but simple prayer because it contained the seeds of a state church than it would be to argue that no man be permitted to start a business in his garage because of the possibility he might monopolize the industry" (letter in the *Fort Wayne News-Sentinel*, June, 1964).

Early in 1966, Governor John A. Volpe of Massachusetts signed into law Senate Bill No. 734, which states in part, "At the commencement of the first class each day in all grades in all public schools the teacher in charge of the room in which such class is held shall announce that a period of silence not to exceed one minute in duration shall be observed for meditation, and during any such period silence shall be maintained and no activities engaged in" (Massachusetts, Senate Bill No. 734, 1966). Before signing the bill, Governor Volpe requested and received an official opinion on its legality from Massachusetts Attorney General Edward W.

Brooke. Mr. Brooke, now a candidate for the United States Senate, said in part, "It is my opinion that Senate Bill No. 734 does not conflict with the provisions of the First Amendment to the Constitution of the United States . . ." (Massachusetts Attorney General's Opinion, April 4, 1966).

The period of meditation is indeed a way to pray, and it may well be on its way to general use in our public schools.

THE UKRAINIAN CONGRESS COMMITTEE

Mr. GRIFFIN. Mr. President, the voice of the American people this week is raised in tribute to the more than 2 million Americans of Ukrainian ancestry whose love of freedom and independence is matched only by their devotion to the United States.

On October 7, the Ukrainian Congress Committee of America, representing these Ukrainian-Americans, is holding its ninth Congress in New York City. The convention marks the 25th anniversary of this national organization which steadfastly carries the banner of truth and freedom for their oppressed brothers inside the Iron Curtain, for all Americans and for all peoples of the world.

Last October, the chairman of the Ukrainian S.S.R. delegation to the U.N. complained about the U.S. Congress observing the real Ukrainian independence which was destroyed by Soviet Russian imperialism 45 years ago. This Mortimer Snerd, sitting on the lap of the Kremlin, said:

The Ukrainian Soviet Socialist Republic is a sovereign and free nation in the great brotherly family of Soviet Republics.

He spoke with the forked tongue of a snake. He ignored the sorrow, sufferings, and servitude of some 43 million Ukrainians, peering through the bars of Russian tyranny toward the horizon of freedom.

Since 1954, the people of the Ukraine have been oppressed by the heavy hands of autocratic czars and Communist tyrants. It was only during the brief 2-year period of 1918 to 1920 that Ukrainians were able to enjoy the benefits of free and independent life in their historic homeland.

Now, the Ukrainian Soviet Socialist Republic—the most densely populated nation within the U.S.S.R.—has become a large prison house for its people. But today, even under the most relentless oppression, the stouthearted Ukrainian clings steadfastly to his national ideals and still preserves his fervent love for freedom and independence.

The Ukrainians are a brave people whose courage is known throughout the world. They have been oppressed by the Communist despots longer than any minority group in Soviet Russia.

The Ukraine has many times shown its hatred of Soviet arrogance. This is one factor that has caused the Russian Government to disperse millions of Ukrainians throughout the Soviet Union. Though they are unable at the present time to voice their protest against Soviet domination, millions of their descendants and supporters in America are rais-

ing the banner of freedom in their stead.

Among those in America holding aloft the torch of liberty for the captive nations of the world, the Ukrainian Congress Committee of America is a leading exponent. Its cardinal objective is work and effort aimed at preserving and strengthening the national security of the United States. It has hammered away at the truth that without a strong and courageous America, to which every citizen must contribute, the cause of freedom would be lost throughout the world.

I feel that I am privileged to raise my voice with other Americans throughout the land in tribute to the Ukrainian Congress Committee of America.

AUTUMN IN SOUTHERN UTAH NATIONAL PARKS

Mr. MOSS. Mr. President, for the New York Times of Sunday, October 2, Mr. Jack Goodman has written a delightful description of autumn in southern Utah national parks. Nostalgia tugs at my heart, and I long to go home.

I ask unanimous consent that Mr. Goodman's article, which needs no elaboration from me, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTHERN UTAH PARKLANDS AT THEIR BEST NOW

(By Jack Goodman)

ZION NATIONAL PARK, UTAH.—A half-million vacationists came to see Zion's deep gorges and neighboring Bryce Canyon National Park this past summer. However, during the next six weeks, while cottonwood leaves deck the bottomlands and deer stroll past the lodges, only a few score vacationists a day will come to this part of the West.

More's the pity, since this is the season when the parklands of southern Utah are truly at their best.

The visitor who can swing through southern Utah in autumn will find himself virtually alone in a near-perfect landscape, and at a time when the weather can be equally perfect for weeks on end. Here in Zion National Park, for example, the Visitor Center, which serves as headquarters for the park's 230 square miles, is open the year round, and rangers have ample time to answer the inquiries of any and all comers.

ALL-YEAR MOTELS

Zion Lodge is closed, but the campgrounds, cabins, cafeteria, inn and store remain open until mid-October. Modern motels at Springdale, just outside the park entrance, are open throughout the year, and off-season prices are only \$8 or so a night for the best room in the house. Nowadays, it is even possible to find a campsite or a mealtime picnic table within view of 6,744-foot-high Great White Throne.

All along the north fork of the Virgin River, half-century-old cottonwoods are taking on a golden hue. Sunlight, slanting between peaks such as the Patriarchs, West Temples and Bridge Mountain, filters through the smoke of an occasional campfire, dapples the cottonwoods and willows, and occasionally spotlights one of the band of deer that delicately stroll across Zion's bottomlands.

Here, it is perfectly possible and acceptable to sit for hours and merely watch the sunshine move from truncated peak to truncated peak, see the harvest moon rise or fol-

low the clouds as they parade overhead. It is also possible to stroll along a black-topped path to the mouth of the Virginia River Narrows, a walk of about a mile in each direction, and meet no other pedestrians.

Better still, the temperature being 65 to 75 at midday, visitors can take the self-guided tour to Emerald Pool or Canyon Overlook without perspiring.

A HEALTHY HIKE

If one is in shape for a real hike, there is always the East Rim Trail, which rises some 2,500 feet over a distance of a half-dozen miles. The observation point at trail's end offers views down into Zion Canyon, to the North Rim of the Grand Canyon in Arizona, and north toward Cedar Breaks National Monument, 50 miles away.

Close at hand, the headframe of an old hoist recalls an era when Mormon lumbermen cut timber in the plateau country and lowered it by cable to the valley floor below.

Some of those logs, which were cut before Zion was initially set aside as Mukuntuweap National Monument in 1909, form the walls or fence posts for the homesteads, ranches and farmhouses that motorists glimpse when driving along the 85-mile route between Zion and Bryce Canyon National Parks.

Villages such as Orderville and Glendale, established when polygamy flourished and Brigham Young sent his colonizers south from Great Salt Lake City, are withering nowadays, for the rural young people are moving to the bigger cities.

However, during the autumn months, Lombardy poplars and cottonwoods, "set out" by pioneers to shade their settlements, give a new burst of color to those timbered homesteads on which paint is sadly lacking. Sturdy pole fences, held together only by the notches in the logs, line pasturelands.

A DIFFERENT LOOK

Fall visitors to Bryce Canyon National Park will find that its acres, like those of nearby Zion, take on a different look after the crowds have gone. The 14 enormous rock amphitheaters that give the park its otherworld air have virtually no foliage to display. However, all along the 20-mile-long rimroad linking Inspiration, Sunset, Bryce Point and Paria View, the region's few hardwoods make a surprising showing of autumn color.

Best of all, the any-season beauty of Bryce is sharply enhanced by the amazingly clear October air. Bryce is high—virtually all its roads are above 8,000 feet in elevation—and, in this crisp, cool season, one should be pardoned for humming "On a Clear Day You Can See Forever," especially if the viewpoint is Rainbow Mountain. This considerable eminence stands at the south end of the 55-square-mile park.

From the Rainbow overlook, the sightseer with only tolerable vision can glimpse the humpbacked shape of Navajo Mountain, fully 80 miles to the east. In addition to Bryce Canyon's crenelated cliffs and pinnacles down below, the autumn visitor can look off across the Kaiparowits Plateau toward the Colorado River and Canyonlands, secure in the knowledge that fewer than 5,000 people are in the 200 or so square miles within easy sight of his vantage point.

CAMPGROUNDS OPEN

At Bryce, campgrounds remain open throughout the year, although the inn and cottages close in mid-October. However, there are motels and a cafe or two near Bryce Junction, where U.S. 89 and State Route 12 intersect, plus a considerable cluster of good motels and eating places at Panguitch, the largest town in these parts.

The Visitor Center and ranger station in the park are open all year, and the road to the rimrock overlooks at Bryce is kept clear through the winter months.

BEST BY FOOT

Both Zion and Bryce parks are best seen afoot, and the weather in October and November is perfect for hiking. Unlike the trails at Zion, where visitors must climb uphill a few thousand feet for the best views, the trails at Bryce lead down—down past strangely sculptured white, cream, pink and orange formations.

As the sharp-eyed hiker will soon realize, Bryce is not a canyon at all but, rather, a series of connected broken bowls or half-amphitheaters. The first white visitors called them "breaks," and Cedar Breaks National Monument, 45 miles away, is a single or simpler break in the wall of this same Pausaungunt Plateau.

Hikers in Bryce will find paths linking several of the breaks, but, since no trail connects all of them at a single level, the hiker must come conditioned to do considerable up-and-down strolling.

The best trail here for the first-time visitor drops from the rim near Sunset Point, passes formations such as Queen Victoria, Osiris Temple, Elephant and Wall Street, and then zigzags up from the canyon floor rather steeply. The route is wide and quite safe, but newcomers are reminded that they will do their hiking at altitudes that are a mile and one-half above sea level—and they should rest and enjoy the scenery frequently.

Visitors should also bring sweaters or wind-breakers. The sun is warm, but it is quite cool in the shadows.

INSPIRATION POINT

Vacationists who do not want to venture too far from their cars will find Inspiration Point the best viewpoint.

The Bryce-Zion region of Utah is easy to reach from several transcontinental routes. U.S. 89, a major north-south artery that comes within 14 miles of Bryce, is an excellent link to U.S. 30, 40 and 66, all east-west routes. U.S. 91, which will soon be designated Interstate 15 for most of its length, is the main route between Salt Lake City and Las Vegas, and passes within 30 miles of the entrance to Zion National Park.

"HORATIO BUNCE"

Mr. BYRD of West Virginia. Mr. President, the Parkersburg News of September 25, 1966, carried a column entitled "The Passing Scene," by Larry Murphy.

I ask unanimous consent to insert the column in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE PASSING SCENE

(By Larry Murphy)

Ever hear of Horatio Bunce? Everybody who has studied American history has heard of Davy Crockett. And that goes for a lot of folks who never studied history.

Crockett, you may recall, was a member of Congress in 1827-31, 1832-35.

But did you ever hear of Horatio Bunce?

Well, welcome to the club. This writer didn't recall hearing of Horatio Bunce, either. In fact, we bumped into the name for the first time the other day when a friend handed us a little booklet. "Introducing—Horatio Bunce," published by The Foundation for Economic Education, Inc.

Too bad we can't reprint the entire booklet, which is mighty fascinating reading.

If more of us had Horatio's understanding and power of simple explanation, our country's plunge into socialism might be halted and reversed.

CAMPAIGNING WAS DIFFERENT

There weren't any radios or television back in Davy Crockett's time, so one summer, he

reportedly told a friend, "I concluded I would take a scout around the boys of my district . . . I thought it was best to let the boys know I had not forgot them, and that going to Congress had not made me too proud to go to see them. So I put a couple of shirts and a few twists of tobacco into my saddlebags, and put out."

And that's when Congressman Crockett met Horatio Bunce.

THINGS WERE GOING SMOOTHLY

Crockett said he had been riding the campaign trail for about a week, and had found things going very smoothly.

He was in a part of his district in which he was more of a stranger than any other, when he came across a farmer who was busy plowing.

"Well, friend," said Crockett, after the farmer returned his greeting politely but a little coldly. "I am one of those unfortunate beings called candidates, and—"

"Yes, I know you," replied the farmer. "You are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again."

Pressed for an explanation, the farmer said:

"Well, Colonel, it is hardly worth-while to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me."

"I believe you to be honest," the farmer continued. "But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is."

FARMER HAD READ THE PAPERS

Crockett thought there had been some mistake, for he could not remember having voted that past winter upon any constitutional question.

"No, Colonel, there's no mistake," said Horatio Bunce. ". . . I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say that last winter you voted for a bill to appropriate \$20,000 to some sufferers by a fire in Georgetown. Is that true?"

"Certainly it is," Crockett replied, "and I thought that was the last vote which anybody in the world would have found fault with."

"Well, Colonel," said Horatio Bunce, "where do you find the authority to give away the public money in charity?"

Crockett, thinking about it, couldn't remember a thing in the Constitution which authorized it. So he answered:

"Well, my friend, I may as well own up. You have got me there. But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of \$20,000 to relieve its suffering women and children, particularly with a full and overflowing Treasury. And I am sure, if you had been there, you would have done just as I did."

IT'S NOT THE AMOUNT, BUNCE SAID

"It's not the amount, Colonel, that I complain of; it is the principle. In the first place, the government ought to have in the Treasury no more than enough for its legitimate purposes. But that has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be en-

trusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means.

"What is worse," Bunce continued, "it presses upon him without his knowledge where the weight centers, for there is not a man in the United States who can ever guess how much he pays to the government. So you see, that while you are contributing to relieve one, you are drawing it from thousands who are even worse off than he."

"If you had the right to give anything," said Bunce, "the amount was simply a matter of discretion with you, and you had as much right to give \$20 million as \$20,000. If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give on any and everything which you may believe, or profess to believe, is a charity, and to any amount you may think proper."

"You will very easily perceive what a wide door this would open to fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses has been burned in this county as in Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar for our relief. There are about 240 members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over \$13,000. There are plenty of wealthy men in and around Washington who could have given \$20,000 without depriving themselves at even a luxury of life. The congressmen chose to keep their own money, which, if reports be true, some of them spend not very creditably; and the people about Washington, no doubt, applauded you for relieving them from the necessity of giving when you congressmen gave what was not yours to give."

"The people have delegated to Congress, by the Constitution, the power to do certain things," Bunce continued. "To do these, it is authorized to collect and pay moneys and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution."

"So you see, Colonel, you have violated the Constitution in what I consider a vital point," said Horatio Bunce. "It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you personally are concerned, and you see that I cannot vote for you."

MORE HORATIO BUNCES NEEDED

Davy Crockett told Bunce that he had heard many speeches in Congress about the power of Congress.

"But what you have said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard," said Crockett.

Too bad there aren't more men like Horatio Bunce today.

Maybe some of them would be asking their Congressman where they get the right to forcibly extract billions from present and future American taxpayers to toss away indiscriminately to practically every other nation on the face of the earth—including our so-called allies, many of whom refuse to lift a finger to help us in our undeclared war in Vietnam. And some of the billions have been given and still are being given our

avowed enemies in the Communist orbit who have dedicated themselves to the goal of destroying our way of life.

America today certainly could use a few hundred, or thousand, or a few million citizens like Horatio Bunce.

BIG BROTHER

Mr. LONG of Missouri. Mr. President, the Subcommittee on Administrative Practices and Procedure, of which I am chairman, recently held hearings with representatives of the two largest telephone company systems in the United States. We heard of the massive monitoring by the phone company of more than 39 million telephone calls per year. The phone company monitored its employees as well as its subscribers.

Now we have learned that our friends at the Internal Revenue Service are doing the same thing. In a manual supplement dated August 10, 1966, signed by Mr. D. W. Bacon, Assistant Commissioner, Compliance, employees of IRS are informed that—

* * * telephones used by Office Collection Force interviewers and employees performing taxpayer assistance work will continue to be monitored on a spot-check basis for the purpose of determining employee courtesy and accuracy of information furnished, as present instructions provide.

The Internal Revenue order points out that the frequency with which telephone calls will be monitored is "to be at the discretion of district and regional management." Furthermore, district management should "to the extent practicable, limit use of such telephones to taxpayer assistance and OCF taxpayer contact calls."

Mr. President, if American Telephone and Telegraph monitors nearly 39 million telephone calls per year, how many more are monitored by internal revenue agents who, in the guise of determining employee courtesy, snoop on our American taxpayers? How can the monitoring of these telephone conversations determine the "accuracy of the information furnished" if they are merely listening in to the conversation? Does this imply that the monitors double-check on the taxpayers at the conclusion of each telephone call? The Internal Revenue Service attempts to mitigate their privacy invasion by requiring that a gummed label be affixed to each telephone stating:

This telephone is subject to monitoring for the purpose of spot-checking O.C.F. taxpayer assistance work.

IRS suggests that the label be placed so that the telephone user will have full knowledge of the monitoring possibilities, but is the taxpayer calling in aware of the monitoring possibilities?

Mr. President, recently the Federal Communications Commission issued an order prohibiting the use of radio devices for eavesdropping purposes, unless such use is authorized by all of the parties engaging in the conversation. This FCC orders specifically pointed out:

We should not sanction the unannounced use of listening or recording devices merely because one party to an otherwise private conversation is aware that the conversation is, in fact, no longer private.

It has been my belief that the philosophy which guides the Internal Revenue Service is in direct opposition to the excellent philosophy spelled out in this recent FCC order.

I call upon the Internal Revenue Service to cease immediately from monitoring any telephone conversations, whatever their stated reason may be. I know that I am supported by the American Federation of Government Employees, who recently wrote to me pointing out that they "vehemently object to the monitoring practice as a disgraceful, if not illegal, invasion of privacy."

Mr. President, I ask unanimous consent that the manual supplement be printed at this point in the RECORD.

There being no objection, the Manual Supplement was ordered to be printed in the RECORD, as follows:

MANUAL SUPPLEMENT: MONITORING OCF AND TAXPAYER ASSISTANCE TELEPHONE CALLS, AUGUST 10, 1966

Telephones used by Office Collection Force interviewers and employees performing taxpayer assistance work will continue to be monitored on a spot-check basis for the purpose of determining employee courtesy and accuracy of information furnished, as present instructions provide.

The frequency with which telephone calls will be monitored is to be at the discretion of district and regional management. District management should:

(1) Notify all personnel performing OCF and taxpayer assistance functions that telephones used in connection with those functions will be subject to monitoring, in order to allow a spot check of employee courtesy and accuracy of information.

(2) Identify by a gummed label each of such telephones, the label stating "This telephone is subject to monitoring for the purpose of spot-checking OCF and taxpayer assistance work." The label should be placed so that the telephone user will have full knowledge of the monitoring possibilities.

(3) To the extent practicable, limit use of such telephones to taxpayer assistance and OCF taxpayer contact calls.

EFFECT ON OTHER DOCUMENTS

This supplements Section 4.05 of C.R. 51G-30 to Manual Supplement 93G-56, dated February 4, 1966.

D. W. BACON,
Assistant Commissioner,
(Compliance).

HOWARD SMITH'S FINEST HOUR

Mr. THURMOND. Mr. President, for 34 years the Eighth Congressional District of Virginia has been ably represented by the Honorable HOWARD W. SMITH, of Broad Run. "Judge" SMITH, as he is affectionately known by his friends and colleagues, has been unsurpassed in the quality of representation he has brought to the people of his district and the entire Nation owes him a great debt for the dedicated manner in which he has borne his responsibilities as chairman of the House Rules Committee for so many years.

For myself, I know of no greater public servant than HOWARD SMITH, and I am saddened to see him leave his post of duty in the legislative branch of Government. He is a fearless leader, dedicated to principle and willing to speak out and fight for his principles. We need more men of the classic mold like HOWARD

SMITH, men of principle, men of integrity, men of character. We are sorry to see him leave the Halls of Congress but know that he will enjoy his active retirement to the Broad Run Farm, which he loves so well.

Mr. President, I ask unanimous consent to have the following editorial of September 20, 1966, from the Dillon Herald, Dillon, S.C., entitled "HOWARD SMITH'S FINEST HOUR" printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOWARD SMITH'S FINEST HOUR

Representative HOWARD WORTH SMITH, the distinguished Virginian, is soon to end a long period of service to his nation and to his country. His years in Congress, for a large part of the time, have been stormy as he fought for integrity in government. Citizens of the United States can look upon that service as fruitful to them.

Judge SMITH has been the butt of criticism time and again as he fought for states' rights, for individual freedom, for austerity in government and a balanced budget. As chairman of the House Rules Committee time and again he bottled up legislation he felt not in the best interests of the nation as a whole.

During our tenure as a correspondent on Capitol Hill we had many occasions to visit the office of Mr. SMITH. It was in keeping with the austerity he preached. There were none of the frills found in many other quarters on the hill. He has always been an outspoken man with a caustic tongue and woe be unto the man who fell prey to his ire.

We have listened to this man in Congress on several occasions and have always admired him. But we feel he reached his finest hour recently when he was called upon to rise on the floors of Congress:

We quote from his remarks:

"I was deeply distressed to hear the speech of my old friend from New York, the Chairman of the Judiciary Committee (EMANUEL CELLER), when he argued with the House that, instead of standing up and voting for what we believe in and doing what our oath of office requires us to do, we tremble in our seats and yield to the fear of Negro revolution.

"If that is the kind of spirit that has come to this country, and we are going to operate in the Congress on the theory of fear, on the theory of mobs and so forth, then this is not the place to which I was elected.

"I was distressed when I saw the President address a joint session of this Congress, and I heard him adopt the war cry of a Negro revolution—'We shall overcome, we shall overcome'—repeated time and again, when we were about to consider a civil rights law. And I was deeply distressed to see members of the Supreme Court sitting on those front seats, hearing discussed and advocated a piece of legislation the constitutionality of which they would soon be called upon to pass upon, applauding."

Mr. SMITH continued:

"My friends, the political fates have decreed that, when this Congress adjourns I will leave you. I have few personal regrets about that, but I do hate to leave you with the spirit that seems to prevail and about which you are exhorted daily—'Do this or the Communists will get mad at you. Send millions of dollars to other countries or somebody is going to get mad at you. Give away your substance. Forget the American people's needs and wants and the great tax burden that is upon them and give to this and give to the other.' Out of fear, a tribute—to other areas of the world in order to placate them, in order to try to purchase their friendship.

"Now we come here with mobs in the streets, and further mob violence threatened, and no word is spoken of courage to defend the American way of government."

Yes, Mr. SMITH lost his bid for reelection after so many terms. And he lost just because of words such as these, because of an ironed-will determination to fight for what he believed was right and in the truest tradition of American heritage regardless of political consequences.

We regret there aren't more men like him in the Halls of Congress. We need more men like him who are willing to stand up and say, "No" where the interests of this nation, its citizens and its dollars are concerned.

GUN CONTROL LEGISLATION

Mr. DODD. Mr. President, the New York Times has the benefit of the thinking of the columnist, Russell Baker, a savant with whom I do not always agree, but with whom I do not always disagree.

On Tuesday of last week, the Times published some of Mr. Baker's thoughts on the crimes inflicted upon our peace-loving, nonviolent citizens at the hands of the gun-toting zealot, the happy hunter, and the feuding married couple.

I think Mr. Baker's thoughts are worth reading and commend them to the attention of my colleagues.

Mr. President, I ask unanimous consent that Mr. Baker's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OBSERVER: LAY THOSE PISTOLS DOWN, LADIES AND GENTLEMEN

(By Russell Baker)

WASHINGTON, September 26.—One of the less appealing aspects of American life these days is the rising opportunity to be shot. Some days the newspapers are a hall of lead: children shooting parents, parents shooting children, wives shooting husbands, hunters bagging their best friends, thugs mowing down policemen, toddlers wounding their playmates, madmen shooting airline pilots, and on and on.

CHANCES ARE BETTER

It may be only an optical illusion induced by too much newspaper reading, but it appears that the chance of being shot at random by an utter stranger while minding one's own business is also increasing.

In these cases, which so entrance the psychologists, someone is sitting at home, or driving along the highway, or walking across the campus one moment, and the next, *zing!* he has been used for a clay pigeon.

Some armed chap who is depressed, or psychotic, or angry at his family, or who perhaps simply feels like shooting human targets lifts his gun and finds you in the sight. Nothing personal, understand.

This is a very depressing development. It means that normal prudence toward the kind of people who tote guns is no longer good enough. In the past, one could cut his risk of gunshot wounds by taking a few simple precautions.

By not having a gun in the house, for example. By leaving any house that did have a gun in it whenever a drinking husband and wife began threatening each other with divorce. By avoiding wooded areas in the hunting season. By behaving agreeably when told, "This is a stickup."

The advent of the casual human-target marksman may even render the old precautions futile. Who can guarantee any longer that people hurrying prudently away from the quarrelsome couple with the gun in the broom closet will not step from their house

at the very moment a touring maniac from the next state wanders by, shotgun ready, looking for the therapy of violence?

Congress has struggled fitfully and futilely with ideas for reducing the gun toll. So far it has produced nothing more than argument from the National Rifle Association, an influential lobby opposed to any action at all.

The obvious way to solve the problem is to lock up all the guns and make it impossible for people to buy new ones. There are practical difficulties in this: Americans have a long tradition of private armament; their country was built with gunpowder; there is a deep national tradition of violence; there is a constitutional case for private gun ownership; and, finally, civilian disarmament would probably be observed by the law-abiding and violated by the criminal.

The most common argument for universal civilian armament, however, is that gun control would be pointless under any circumstance because people who want to kill people will manage to do it one way or the other. This is demonstrably absurd. In fact, people who want to kill people find it extremely difficult, and usually impossible, when denied access to a gun.

THE QUARRELsome COUPLE

Take the quarrelsome couple with the gun in the broom closet. With a drink too many, one member of this couple may feel an impulsive whim to dispatch the other. With a gun only a few steps away, the whim is easily gratified. In go the bullets, back goes the trigger, out come the bullets. It is too easy. It allows inadequate time for re-viewing the decision.

Now consider the same couple in the same black mood, but with no gun within miles. What options are open to the whimsical partner? (Let's say it is the wife.) There is the carving knife. A dreadful thought. Merely thinking of it will usually sober a wife enough for her to realize what a foolish whim she might have yielded to had there been a gun handy.

IT'S HARD TO START A FIRE

Arson perhaps? But burning a house is difficult. Starting a fire in the fireplace is hard enough; her chances of getting a whole house going are negligible. Even if she succeeds, he will probably be rescued by firemen. And even if he isn't, she loses the house, her wardrobe and the new settee.

What else? Gas? Not likely, with non-lethal natural gas in every kitchen these days. Garroting? Impractical, unless she has bigger muscle than he has. Arsenic? A great favorite in Britain where guns are hard to find, but it requires months of cunning, patience and determination. Besides, she will have to wait until morning to find an arsenic shop open, and by that time she will probably have forgotten the whole thing.

Without a gun, it is almost impossible for her to do anything rash. This is the basic case against universal civilian armament. The gun is so efficient it denies its master the chance to forget the whole thing.

POLAND: 1,000 YEARS OF EXISTENCE AS STATE AND CHRISTIAN COUNTRY

Mr. HRUSKA. Mr. President, the importance of Polish participation in Western civilization has been emphasized by those in both the House and the Senate who have commented on its 1,000-year birthday.

The statements of Members of the Senate and the House since our land became a nation have expressed support for the freedom of the Polish people. They have recognized and applauded the values and heritage of Poland.

Great Polish leaders—Kosciusko and Pulaski, for example—played important roles in our own War of Independence. This country in the past has worked to restore Poland to her people. That unhappy land is today suffering under the iron hand of communism, and we are pledged, indeed bound, to continue our efforts.

The most affecting tributes come from the hearts of the people of Polish descent. In here expressing my total commitment to the goal of freedom and independence for the people of Poland, I would like to share with Senators the poem entitled "Poland," written by Donna M. Crebbin, a woman of Polish descent, living in Columbus, Nebr. This poem movingly sings in homage to "a proud people in a great land," Poland.

Mr. President, I ask unanimous consent that the poem, "Poland," be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

POLAND

(By Donna M. Crebbin)

For one thousand years she has withstood!
Her Christianity exists, though her people
shed blood.

To the shrine of Czestochowa they will come
to pray,

As well as to Jasna Gora, they'll make pilgrimages today.

"Praised be Jesus Christ, World Without end",
the Polish greeting echoes bend to bend.

Poland's sons may well be proud,
Though heavily oppressed, faith remains unbowed.

Copernicus, Paderewski, and others, too,
Poland's famed sons were not few.

After 20 years of communism and much heart-break,

Poland's heritage, no shame can shake,
A proud people in a great land,

The Cracow trumpet repeats his command:
"Our vigorous spirit no one can Unhand"

"Our Polish customs will live on and on"

"Our children's children will sing our song!"

Our culture has survived through wars and strife,

Many noble men have laid down their lives,

Though tears shine down from many Polish eyes,

That dauntless spirit never dies!

From the Carpathian mountains, to the outlying towns,

"Poland stands forever, the Polish cry abounds!"

Though divided and broken, she still stands today,

Her proud sons and daughters will never give way.

Some call them stubborn, and at some fun do poke,

But Poland's great university, is truly no joke.

The Polish mazurka is gay as can be.

So cry not today, my courageous country!

Poland will conquer! It forever will live!

And the traditional peasant greeting, forever we'll give,

"Praised be Jesus Christ—World without end"

Beloved spirit! wars cannot bend!

THE NEGRO COLLEGE STUDENTS AND THE CIVIL RIGHTS REVOLUTION

Mr. BREWSTER. Mr. President, Morgan State College is celebrating its 100th year of providing quality education for students in the State of Mary-

land. In the past the college has been a bulwark in the field of Negro institutions of higher education. Recent years have seen the college not only accept foreign students from many countries, but carry on a vigorous program to recruit students from every segment of our society, both white and Negro. The year 1966 has been no different.

Amidst cries of "black power" and cryptic comments about the effect of the white backlash on 1966 elections, the Negro youth, particularly the college student, must decide where he will stand and the role he will play in the current civil rights revolution. This decision rests with him rightfully because he should decide the course and the goals of a movement which may determine his future in America.

This decision also bears heavy weight because of the inward fear of being characterized as an "Uncle Tom," bourgeois or other terms which denote a Negro who has accepted second-class citizenship or ascribes to white middle-class ideals.

The weightiness of such a decision makes the task of one who advises the decisionmakers all the more difficult. Add to this already monumental task the idea of free speech, and the recent trend toward militancy among Negro youth and you will have partially visualized the mission taken on by Dr. Martin D. Jenkins, president of Morgan State College.

Dr. Jenkins chose matriculation convocation of Morgan State's centennial year to speak to the student body about "The Role of Negro College Students in the Civil Rights Revolution." At a time in civil rights history when each march, each militant speech, carries a critical message to the people of America and the world, every man ought to give what he has to give.

Certainly Dr. Jenkins has taken a first step in his advice to the students of Morgan State College. I commend his address to the Members of the Senate, and congratulate Dr. Jenkins for his cogent and timely comments.

Mr. President, I ask unanimous consent that Dr. Jenkins' speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ROLE OF NEGRO COLLEGE STUDENTS IN THE CIVIL RIGHTS REVOLUTION

(Matriculation convocation address, Morgan State College, September 30, 1966, by President Martin D. Jenkins)

The Convocation address should be a statement keynoting the work of the year. I had intended to talk to you today on the topic "Education as Experience."

In view of the current racial scene, though, and particularly developments of the past summer, I am impelled to talk to you, and through you to the public, on "The Role of the Negro College Student in the Civil Rights Revolution."

I am addressing you today as Negro college students. In a sense I apologize for this for we have a number of students here who are not Negroes and who are an integral part of our college community. Yet we are predominantly Negro and what I have to say is not without meaning for all college students.

I stated in last year's Matriculation Convocation address that you expect on this

campus a climate of freedom. "Freedom to express your opinions in and out of the classroom, freedom to differ, to dissent, to criticize. Freedom to be exposed to a wide variety of views on controversial issues. A college or university campus must be a place where all issues, and especially those which for the moment are unpalatable to the general society, can be discussed and evaluated. We must impose no loyalty oath on freedom of expression."

I expect to be condemned as well as praised for some of the views I will express today. This is not important. But it is tremendously important that you, each of you, arrive at decisions on the issues I discuss—that you arrive at decisions rationally and not emotionally.

You students now in college are both immediate participants in the social order and preparing yourselves for further and more effective participation.

As I look at you I am deeply impressed by the fact that you must prepare yourselves not only for the complex world of today—the mid-twentieth century—but also for the world of the 21st century—a few short years ahead. In the year 2000 most of you students will be in the early fifties—at the peak of your careers. In college at this moment is the man or woman destined to be President of the United States at the onset of the 21st century; those who are to be governors of states and members of Congress and state legislatures; those who are to provide leadership in our educational endeavors and the business world; those who are to be prime movers in the arts and sciences. I am confident that in this assembly there is a future governor of Maryland, senator from New Jersey, mayor of Baltimore; that in this assembly there are future artists, scientists, university presidents, civic leaders. I am confident that in this assembly there are hundreds of future teachers, social workers, doctors, government workers, community leaders who in non-spectacular fashion are going to make substantial contributions within their spheres of influences.

I speak to you today in the light of both your immediate and your post-college activities.

RACIAL INTEGRATION

I invite you to adopt the basic view that we must have a racially integrated society in this great nation of ours. I mean by this a social order where race is an irrelevant factor—in education, in occupations, in housing, in law, in political life, in inter-personal relations.

This is what the civil rights revolution is all about.

You know very well that we do not have such a society today. All your lives you have observed and experienced the racism which is so deeply ingrained in our society.

You observe racial barriers and discrimination in all areas of American life. You observe the "tipping point" phenomenon where when there are "too many" Negroes in a neighborhood, a school, an organization the whites move out.

Observe, though, on the positive side that our society is making a strenuous effort to purge itself of racism. This is due in part to principle and in part to a clear understanding that unless we so purge ourselves this nation cannot maintain its preeminent position of world leadership.

Observe too that many white people are actively fighting for civil rights and that a much larger number, perhaps even a majority of the American people, are committed in principle to the kind of society for which we are striving.

We do not walk alone!

I urge you to look on the positive side. Do not become embittered or discouraged. Do not cease to work for a racially integrated society.

MIDDLE-CLASS GOALS

We emphasize here at Morgan State College from your first day as a freshman the matter of your goals. The goals this college or any college seeks to have you adopt are derived from middle class values, for we are living in a middle class culture.

I refer you to a sociology textbook for description and discussion of the class structure in our society. Briefly the concept is this: That the values, attitudes and behavior patterns all individuals, from infancy thru their adult lives, learn and adopt from their families, neighbors and peers are related to the socio-economic level (class) of these associates. The subject is much too complex for exhaustive discussion here but I will cite a few examples of middle class behavior. Belief in value of education, both formal and informal; willingness to save for deferred goals—such as education of children, travel, purchase of home; respect for and insistence on law and order; desire for attractive living environment: home and neighborhoods; interest in and support of cultural activities; habits of personal cleanliness; conventional behavior, conventional language patterns.

There is a point of view that since a great majority of Negroes are not middle class it is racially subversive for any Negro to strive for middle class status. Somehow in this point of view middle class values become white values and lower class values become black values. Concomitantly there is a considerable open contempt for those who have become "successful" in middle class terms.

Now there is a lot wrong with middle class people generally. They are materialistic—placing money above everything; they are highly competitive; they tend to be impersonal; they are tinged with racism; they have contempt for the unsuccessful. And in addition there is a lot wrong with many middle class Negroes—note that I said many—by no means all, or even most.

I urge you to strive for desirable middle class goals, deliberately and without apology, for two reasons. First, I am convinced that you will thereby live a more satisfying and constructive personal life. Second, it seems to me axiomatic that no minority group can be integrated in the larger society unless it adopts the essential goals and values of that society.

BLACK POWER

We hear much these days of a slogan Black power—a slogan which is particularly intriguing to youth because it is presented most vigorously by young leaders. I have seen several definitions of this concept, but rather than attempt to define it here I will point out some of its essential and to me objectionable aspects.

Black power rejects white participation in the civil rights struggle; it insists on black leadership and black leadership only; it rejects middle class values as white values; it sponsors racial violence under certain circumstances; it supports only black candidates for political office; it views all domestic and international problems through the lens of race; and it seems to reject, although this is not made clear by its proponents, the goal of racial integration in our society.

I urge you to reject this concept however it is defined.

I urge you to reject it because the concept is poor strategy. It is stupid to believe, and act as if, a group representing only 10 per cent of the total population, a group which has meager economic resources, a group whose political effectiveness is largely limited to a balance of power, can exercise its will against the 90 per cent majority. A minority group cannot win its way, attain its goals, by force. It must rather appeal to the conscience of the majority. We cannot walk alone.

I urge you to reject it because the concept is poor psychology. It frightens and drives

away the support of many of the majority racial group. The recent defeat of the civil rights legislation in the United States Senate and recent political developments in some cities and states are due in part at least to adverse reaction to the concept of Black Power. Further, it is misleading to those less thoughtful Negroes who become emotionally aroused by a misleading slogan, a misleading concept.

More important, I urge you to reject it because of its rationale—its philosophy. Black racism is no more palatable than white racism. We must enlist the support of and cooperate with white individuals and organizations in the civil rights struggle. We must join with whites in many kinds of civic, political and community activities. We cannot, we must not strive for a society divided on the basis of race.

Now I have two footnotes to this statement of opposition to Black Power.

First, the position I urge upon you assumes that in a particular locality cooperation with a substantial proportion of the white population is possible. In a situation such as that in Mississippi and Alabama where there is almost entire rejection of Negroes and where Negroes constitute a substantial proportion of the population the Black Power concept is defensible strategically—but never philosophically.

Second, I urge you to reject the concept of White Power—White Power which is the historic way of life in this nation of ours and which we observe in every facet of American life.

Let us reject a power struggle, a societal organization based on race—whether white or black. Do not follow the Pied Piper of violence. Do not follow the Pied Piper of racial separation.

LAW AND ORDER

I come now to a serious problem which is facing all urban areas of this country and many in other countries—an essential breakdown in law and order. To analyze this problem would require too much time here. It grows out of a lessening respect for authority. It grows out of a current confusion about the rights of citizens involved in police actions; and it is, in this country, directly related to the civil rights struggle.

Baltimore is typical. This is an unsafe city. Unsafe to walk the streets at night—or some in the day—for fear of muggers or hoodlums. Unsafe to leave your homes or apartments for fear of thieves. These unsafe conditions are greatest in those areas of this city where there is the highest concentration of Negro population.

Historically, we have looked to the police to guard us from unlawful behavior. But now the police for many Negroes have become the enemy. As a result the arrest of a Negro lawbreaker by a white policeman arouses active resentment. Arrests are prevented, policemen are assaulted, riots are generated. The most recent riot in Atlanta, for example, was precipitated by the attempted arrest of a man who has twice been convicted for stealing automobiles. As a result there is a reluctance to arrest lawbreakers—and the muggers, and hoodlums and thieves know this and continue on their nefarious ways.

I urge you to stand actively for a lawful community.

This I know presents a difficult problem. You understand the social conditions which incubate and foster criminality. You know the poverty and hopelessness of a large proportion of the Negro population. In this understanding you may be inclined to be sympathetic with those individuals who are striking against society.

You are convinced that there is a considerable amount of police brutality. You know that many police are racially prejudiced. You know that many police violate

the rights of the poor and downtrodden. You are convinced that many criminal activities could not continue without the connivance of some police—their aid gained by corruption.

These are conditions which both Negro and white citizens must attempt to correct. But it will be increasingly fatal to community life for Negroes to reject the police and thus protect the criminals.

If you take another view, ask not for whom the bell tolls!

Let me add a footnote to this.

There is no question but that there is a greater incidence of publicized crime in the Negro communities—the ghetto—than elsewhere. This has led to the uncritical conclusion that criminal behavior is related to race. This is incorrect.

What we observe here is the type of criminality. The publicized crimes are those which threaten the immediate security of individuals—mugging, rape, petty thievery, and the like. Historically, and everywhere in the world this type of crime is related to class and economic level—not race.

Further, when we include all kinds of criminal behavior, Negroes statistically are involved in very little of it. Billions of dollars a year are taken in this country by embezzlers and forgers; by organized crime through gambling, narcotics and prostitution; by bribes and payoffs to enforcement agents and people in political positions; by some major business organizations through collusion in bids and the setting of prices of commodities. That Negroes share very little in the larger criminal activities is not because they are better than any other racial group; they simply have less opportunity!

ROLE OF THE NEGRO COLLEGE STUDENT

In light of all this, what is the role of the Negro college student in the civil rights revolution?

1. I have stated what your goals should be and I will not summarize these here.

2. You should understand that attainment of the goal of the civil rights revolution requires many different approaches and techniques. They are wrong who say that unless one pickets or works directly with the deprived population in the slums or in the rural South one makes no contribution. These are important and necessary techniques but there are others also important and necessary: education, legal action, political participation, interpersonal relations.

The program of the National Association for the Advancement of Colored People is necessary and important; the program of the Urban League is necessary and important; the program of the Congress for Racial Equality is necessary and important; the program of the Southern Regional Conference is necessary and important; the program of schools and colleges are necessary and important.

You must decide where you are to make your major contribution—nor deride the value of other approaches.

ANOTHER FOOTNOTE

I would except here, as necessary and important, any technique involving violence except as a purely defensive measure. The Watts approach with its cry of "burn, baby, burn," while emotionally satisfying to some, can only retard the attainment of our basic objective.

3. I stated at the beginning of this address that you as students are both immediate participants in the social order and preparing yourselves for post-college participation.

Your principal task as Negro college students is to prepare yourselves for full participation in American life.

This must be the over-riding consideration—this must be given the highest priority in your efforts. This college with all its facilities is here to help you attain this paramount objective.

This does not prevent you from engaging in other kinds of activities—social action demonstrations, working with the underprivileged, political action. Indeed you should engage in these. But let these activities be subordinated to your major responsibility at this point in your lives.

Let me then urge each of you to assess in a very fundamental way your role—the part you are to play in this struggle in which we are now engaged. Let me urge upon you the feeling that you are subversive and a traitor to the cause when you neglect your work here, when you go to your classes unprepared, when you fail to go the second mile in the development of your talents. Let me urge upon you the view that every well-done academic assignment constitutes testimony to the placard you are carrying in this great movement for human rights.

These are great and exciting days—vital and serious days. In this time you have a part to play in determining the kind of future you will have—that your children will have—that this nation will have—indeed that this world will have.

This is no time for slackers! To fail now to do your best—to do your best every day—will earn for you—and deservedly so—the condemnation and contempt of your fellows.

I always close the Convocation address with these words. I like them.

I wish it were in my power to inflame you—to make each of you feel—individually—the vitality and meaningfulness of your college experience—to have you feel that your years on this campus are a unique opportunity.

For this campus, this college, can be, after all, only an opportunity for you. This magnificent faculty, these fine buildings, these new courses, these students organizations are not in themselves important. They are only means. They exist chiefly that you might make of yourself a man or woman of high worth.

These are for you the Golden Years.
Grasp them!

SECRETARY FOWLER ON MONETARY RESERVES

Mr. HARTKE. Mr. President, Washington has just been the host to a most significant meeting, that of the 105-nation World Bank and Monetary Fund. Central to the discussions being held was the exploration of the creation of what might be called a world currency, an international reserve currency, to remove the present necessity for so much international reliance on the dollar as a medium of world exchange.

Because the questions involved are technical, they are therefore not generally spread upon the front pages with headlines, but are relegated to the financial pages of the daily press. This does not lessen their vital importance to the United States and to the other nations concerned. Before the close of the sessions here, as a New York Times dispatch of last Wednesday noted, several of the leading nations concerned—Canada, Japan, and Britain—expressed the hope that the "contingency plan" for new reserves to supplement gold may be ready for detailed consideration at next year's meeting. There is general agreement, although the view of France is a strong exception, that not only is there need for creation of a new system but that the key role in its administration should be played by the Monetary

Fund, not simply by a few of the larger nations.

At the luncheon held last Tuesday, September 27, Secretary Fowler admirably summarized the issues and understandings which the United States supports in this vital area, with its implications for international trade and the harmony of nations. I ask unanimous consent that Mr. Fowler's address may appear in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF SECRETARY FOWLER'S REMARKS AT LUNCH, FORUM ROOM, SHOREHAM HOTEL, TUESDAY, SEPTEMBER 27, 1966

It is a pleasure for me to welcome you here today. Successful international cooperation depends upon a full and free exchange of ideas and points of view. The Governors of the Fund should play a vital role in initiating and furthering international cooperation, and I am therefore very pleased that you could join me today to discuss a new venture in international monetary cooperation.

The future course of international action to strengthen the world's monetary system is one of the most important matters before the Board of Governors at this Annual Meeting. At this meeting we must consider the launching of discussions which I hope will produce a plan for our appraisal at the next Annual Meeting.

In the past three years, the Group of Ten countries participating in the Fund's General Arrangements to Borrow have intensively studied the problems of the international monetary system and have helped to clarify and focus the issues. Particularly, in the past year, the Group of Ten Deputies have explored the need for and the elements of a contingency plan for reserve creation. The Executive Directors of the Fund have also worked intensively on the problems of reserve creation.

I believe there is now a widely shared belief that in the longer run existing sources of reserves—mainly reserve currencies and gold—will not provide an adequate basis for world trade and payments. Having arrived at this point in our thinking, it is clear that it is prudent to prepare a contingency plan for deliberate reserve creation now, so that it will be ready for use when the need arises. There is general agreement that a second stage is now needed to develop such a plan.

Today I would like to speak very briefly about some of the substantive and procedural aspects of contingency planning in the second stage.

From the point of view of the world as a whole, I believe there are three substantive issues concerning deliberate reserve creation of utmost importance. These are aims, decision-making and scope of distribution.

With respect to the aims of reserve creation, I am, of course, aware that the countries represented here today are vitally concerned with promoting the rapid development of their economies. A properly functioning monetary system will facilitate the growth of trade and the flow of capital, and will thus encourage economic development. To be both economically and politically feasible, deliberate reserve creation cannot be aimed at development finance or to the financing of individual balance-of-payments deficits. Rather, deliberate reserve creation should be based on the world's long-term need for reserves and the decision to create reserves should be reached by a collective judgment of the reserve needs of the world as a whole.

On decision-making, the exploration that has gone on thus far in this area has shown that only the very basic elements of a widely

shared view have emerged. It is in this crucial area that we will have to test our ability to devise a system which will balance the particular concerns of major countries with a key role in the functioning of the international monetary system and who will provide a major part of the financial backing for any newly created reserve asset, with the particular concerns of all other Fund members on a subject in which they admittedly have a vital interest.

On scope of distribution, I am gratified that the work done so far has revealed a fundamental consensus on the point that all countries have a legitimate interest in the adequacy of international reserves. Following from this is the general agreement that deliberately created reserve assets should be distributed to all members of the Fund on the basis of IMF quotas or a similar formula. I believe that this conclusion lays a sound foundation for future negotiations.

Turning to the procedural aspects of contingency planning, I have already mentioned that there is general agreement that a second stage is now needed to develop a contingency plan. At last year's Annual Meeting I said that "This second phase should be designed primarily to assure that the basic interests of all members of the Fund in new arrangements for the future of the world monetary system will be adequately and appropriately considered and represented before significant intergovernmental agreements for formal structural improvements of the monetary system are concluded."

To carry out this second stage, the Ministers and Governors of the Group of Ten have suggested that a series of joint meetings be held between their Deputies and the Fund Executive Directors. As Fund Governors, in our speeches to the Annual Meeting, we will have to address ourselves to the arrangements for the second stage.

The Deputies have worked intensively on international liquidity and have built up great expertise in this area. The Fund members represented in this group have a key role in the functioning of the international monetary system. The Executive Directors have also made a vital contribution to the study of international liquidity. Moreover, the Executive Board looks after the interests of the whole of the Fund's membership. The Latin American members here today elect 3 Executive Directors and participate in the election of 2 others. Thus, the bringing together of the Executive Directors and Deputies combines a high degree of expertise both on the substance of reserve creation and on the views and interests of all the member countries.

In my view, the joint meetings of the Deputies and Executive Directors offer a forum in which there is a real possibility for reaching a climate of opinion which will enable a specific plan to be presented for our appraisal at the 1967 Annual Meeting in Rio de Janeiro. I hope you will join me in giving the arrangements for the joint meetings your strongest support.

The deliberate creation of reserves by international decision would be a major development in the history of the international monetary system. The commitment to the establishment of a contingency plan marks a determination to continue the orderly evolution of the system to meet the challenges of new conditions. It reflects a determination to assure that the growth of the world economy is uninterrupted by inadequacies in the monetary system which are within our power to avoid through forward planning.

It is possible to proceed with full confidence in the success of this endeavor. This confidence is based on the high degree of international monetary cooperation that has worked so successfully and which is firmly grounded in our mutual interest in an efficiently functioning payments system that will facilitate, in the future as it has in the

past, the balanced growth of trade and payments for both the developed and the developing countries.

INTERNATIONAL COAL CONGRESS

Mr. BYRD of West Virginia. Mr. President, I am pleased to call attention to an address made by the Honorable J. Cordell Moore, Assistant Secretary of the Department of the Interior, at the International Coal Congress being held at Pittsburgh, Pa.

It is a well known fact that a great economic potential faces our country with the proper development of its vast coal natural resource. Mr. Moore has indicated the Federal Government's interest in coal research. I am hopeful that this interest will continue and be expanded in the future.

I ask unanimous consent to have Mr. Moore's address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS OF J. CORDELL MOORE, ASSISTANT SECRETARY, MINERAL RESOURCES, DEPARTMENT OF THE INTERIOR, AT THE INTERNATIONAL COAL CONGRESS, PITTSBURGH, PA., OCTOBER 3, 1966

It is a pleasure indeed to welcome you, on behalf of the Department of the Interior, and specifically its Bureau of Mines, as delegates to the Fifth International Coal Preparation Congress. The United States is privileged to take its place among the coal-producing countries that have been hosts for this important series of meetings, and I would like to extend a particularly warm greeting to the delegates from overseas. Whether this is your first trip to America or whether you have visited us before, I hope your schedules will allow you to travel widely and permit you to see some of our points of natural beauty as well as the mines and plants in which I know you are interested. In short, I hope your visit to this country will be pleasant as well as profitable, and as enjoyable as it is enlightening.

About a year ago Secretary Udall had the opportunity to visit several coal research establishments in West Germany. He has told me of his impressions of the outstanding research being conducted there; on his return home he called for close liaison between our coal research people in the Department of the Interior and those in Germany so that both parties could profit from the technical knowledge of the other. We have a similar arrangement with the United Kingdom and also we are cooperating closely with Japan in coal research.

It is my hope that ultimately there will be such cooperative effort among all the coal-producing countries, because we share many problems in common. This Congress signifies your agreement that through international cooperation we can surmount many of the obstacles that confront us.

Our technical experts in the Department's Bureau of Mines inform me that we are indebted to Europe for many of the processes and machines now used in American coal preparation plants. Adverse mining conditions and the costs they entail, I'm told, have led the European countries to develop coal-cleaning methods that insure operation at peak efficiency. The American coal industry has adopted a number of these improvements, many of which were first made public at earlier Congresses in this series. So you can be sure that we will do everything we can to insure that these beneficial forums continue.

The American coal industry has its own accomplishments to be proud of. There

were many in the years following World War II who thought that the industry was dying, that somehow coal had been rendered obsolete by other energy forms. They were wrong. In the face of strong competition—first from oil, then from natural gas, and now from nuclear energy—coal-industry management and labor have worked effectively together to end the long decline in production. Coal has significantly strengthened its position and today remains an important segment of the American economy.

During a period marked by steadily-rising costs and higher prices for nearly all commodities, our price of coal has been lowered, largely through the extensive skillful mechanization of mining operations and the skill and attitude of our workers. We have seen the productivity of labor in our coal mines nearly double in the past decade, an achievement in which the entire industry can take pride.

Today, however, American coal is confronted with as grave a challenge as any it has ever had to face. I refer, of course, to the threat of air pollution. Our scientists, and others throughout the world, have known for years that the time would come when we could no longer tolerate the noxious gases that are generated in the burning of fuels that are high in sulfur content. With the rapid increase in the demand for energy, particularly energy in the form of electricity generated from coal, the problem suddenly has assumed high priority. Nor will the difficulty disappear if ignored. All prognostications of future energy demand on a worldwide basis call for coal to be used in ever-increasing quantities to help supply the needs of growing populations and higher standards of living. Certainly, it would be rash for me even to suggest means for sulfur reduction to a group of experts such as you, when many of you are now devoting strong research efforts to overcome this difficult and perplexing problem that thus far has defied satisfactory solution.

In addition to sulfur oxides in the flue gases from coal burning installations, particulate matter must be removed. Here again, we are depending upon the efforts of the coal preparation engineer to overcome this problem in the fuel itself, relieving the consumer of the expense of installing equipment at the point of use. Sulfur and particulate matter are today's main coal utilization pollution problems that require earnest study and review. Another pollutant that is less understood and may be of prime concern in the near future is the oxides formed from nitrogen. Ultimately, we will look to the members of your profession to provide us with effective means for control of this, as well.

Today, public concern over air pollution is at a new peak in the United States. Our people are demanding abatement, and they will get abatement by one means or another. New York City recently adopted an ordinance which, less than 5 years from now, will prohibit the use of any fuel containing more than one percent sulfur. Stringent regulations also have been placed on fuels used in Federal installations. The average sulfur content of coals we now use is approximately two percent; so it is obvious that unless a solution to the sulfur problem can be found, new deposits of low sulfur coal will have to be developed rapidly.

The present dimensions of this sulfur problem and its potential for growth cannot be ignored. I'm told, for example, that last year our electric utilities alone burned more than 240 million tons of coal. And I'm told also that in the process they polluted the atmosphere with about 5 million tons of sulfur in chemical forms that are harmful both to man and to many of the materials with which he builds and works. If this is a sobering thought, take a look, for a moment, at the future. At the rate our

population and industry are growing, the demand for electric power is virtually insatiable.

According to reliable estimates, more than 80 million kilowatts of new generating capacity already is scheduled for completion in the balance of this century in the United States. By the year 2000, which sounds distant but really is not far away from a planning standpoint, we might well be consuming more than a billion tons of coal a year for power generation alone. Thus, the pollution of our air with sulfur compounds could mushroom, proportionately, at a frightening pace if we were to continue our present combustion practices.

While the problem is great, so too is the incentive to find a satisfactory solution. The Department of the Interior is responsible for the conservation of our natural resources. Therefore, we view the discharge of sulfur compounds to the atmosphere as undesirable not only from the standpoint of pollution, but also because it results in the waste of valuable sulfur, which is in short supply. Certainly, the recovery of this material would be in the best interests of the coal industry. And it would prove once again that one of the surest ways to achieve conservation is to convert a waste into a useful and marketable product.

We are quite optimistic that the Bureau of Mines' alkalinized alumina process for the absorption of sulfur oxides, with ultimate recovery of the pollutant as elemental sulfur, will be economically feasible. Projecting costs for a process at the commercial scale based upon smaller pilot plant operation is always hazardous, but we believe that removal of sulfur oxides from stack gases by our process can be achieved even now at a cost of about \$1.50 per ton of coal burned. This cost figure does not include a credit for the recovered sulfur. Sulfur is selling today for about \$25 or \$30 per ton in the world markets and if we could supply this market with sulfur obtained from the stack gases, we are hopeful that the amount of sulfur in a relatively high-sulfur coal would essentially pay for the costs of recovery and, at the same time, solve the air pollution problem when high-sulfur fossil fuels are burned.

Naturally, I have spoken about air pollution as it confronts us today in this country. But, all industrialized countries face the same problem in greater or lesser degree. Moreover, because improving the methods by which coal is prepared for market is one of the principal avenues for an effective approach to competitive economic solutions, the problem falls squarely within your domain. I urge you to work together on air pollution during this Congress as you have worked so effectively on other problems in the past. If you can stimulate new ideas and new research toward more effective elimination of sulfur from coal, the success of your meeting will be assured.

DEATH OF HON. C. C. WYCHE, SENIOR FEDERAL JURIST

Mr. THURMOND. Mr. President, on September 17, the Nation's senior Federal jurist, the Honorable C. C. Wyche, died in Spartanburg General Hospital in Spartanburg, S.C. The Nation has lost an able and capable member of the Federal bench, and South Carolina has lost a most respected citizen. My own sense of personal loss is deepened because Judge Wyche was a close friend of many years standing.

He was a distinguished public servant with a record that made him admired and respected by all who had occasion to know him. Judge Wyche was a native of Prosperity, S.C., the son of the late

Dr. C. T. and Carrie Sease Wyche. His mother was a sister of the late Judge Thomas S. Sease.

Judge Wyche had fought off several serious illnesses over the past few years, and had come back strong and determined to carry on with his judicial duties. He had been under treatment for about a week following a fall and a broken hip at his home in Spartanburg.

He graduated from Prosperity High School in 1902 and from the Citadel in 1906. His alma mater awarded him an honorary degree of doctor of laws in 1952.

Judge Wyche began the study of law and continued his education at Georgetown University while he was private secretary to his uncle, U.S. Senator Frank B. Gary. He was admitted to the bar in 1909 and practiced law in partnership with former Gov. John Gary Evans, the late Miller G. Foster, former U.S. Representative Sam J. Nicholls, and his father, Judge George W. Nicholls. At various other times he was associated in law practice with the elder statesman, the Honorable James F. Byrnes, and U.S. Senator Donald S. Russell.

Included in his law career were the posts of Spartanburg city attorney and county attorney; U.S. district attorney for the onetime western district of South Carolina. He also served in the South Carolina House of Representatives as a member of the delegation from Spartanburg County.

In World War I he served between May 1917 and April 1919 rising from infantry lieutenant to major in the Army. He was a reservist on active duty, serving as training instructor, as a judge advocate, and in France, as a battalion commander.

Before his Federal judgeship appointment, by President Franklin D. Roosevelt, on January 30, 1937, he sat as a special judge in South Carolina's circuit courts by special appointment and for a brief time he also served as an associate justice of the South Carolina Supreme Court, by special appointment. Last November, Judge Wyche became the senior judge still active in full-time duty in Federal courts of the entire Nation. Since his 1937 Federal bench appointment, he sat with the Fourth Circuit Court of Appeals and on many occasions he was the senior judge on special three-judge court cases.

Judge Wyche is survived by his daughter, Mrs. Charles Camp, of Florence; a brother, C. Granville Wyche, of Greenville, a distinguished attorney; a sister, Mrs. Maxwell H. Forbes, of Haverford, Pa., and two granddaughters. His wife—they were married in 1916—was the late Mrs. Evelyn Crawford Wyche.

Mr. President, I ask unanimous consent that the following articles and editorials be inserted in the CONGRESSIONAL RECORD: "Judge C. C. Wyche: He Excelled," from the September 20, 1966, Greenville News; "He Enriched Our Heritage," from the September 20, 1966, Spartanburg Herald; "Death Takes Judge Wyche," from the September 18, 1966, Greenville News; "A Loss to Bench and Bar," from the September 20, 1966, the State.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News, Sept. 20, 1966]

JUDGE C. C. WYCHE: HE EXCELLED

To pay a proper tribute to the late U.S. District Judge Cecil Wyche, one of the giant figures of his era in South Carolina's history, we would like to write, not an obituary editorial, but a book.

There were ever so many facets of the man's private and public careers, his accomplishments on and off the bench, his tremendous intellect and his colorful personality that would make fascinating reading.

Judge Wyche was born of a distinguished family which made its way from Virginia to South Carolina, as did so many of the earliest settlers of this state. But it was characteristic of him and others of his kin that they consciously or otherwise believed and practiced the biblical injunction that of those to whom much is given much more is required.

The professions, especially the law, were a part of his heritage and long before he donned the robes of the federal bench for life he had distinguished himself brilliantly as few men do in an entire lifetime as a practicing attorney. He had served a short interim appointment to the South Carolina Supreme Court and he had been associated with, and a mentor of, some of the most lustrous names on the rolls of the State Bar and in public affairs.

Had he lived 1 more year, Judge Wyche would have completed 30 years as a U.S. District Judge.

Last November he became the nation's senior federal jurist in point of service. In our opinion, however, Cecil Wyche was a senior judge in many more and in more important ways than mere time in office.

His court was a model of decorum and of evenhanded justice at work.

When Judge Wyche mounted the bench, he isolated himself from the world he enjoyed so much, and even from friends and acquaintances he cherished. He was alone with his keen mind, with the law which he regarded as an undeviating and almost sacred instrument of justice and with his conscience which maintained a fine balance between the necessity for punishment and the hope for rehabilitation of the offender.

Judge Wyche brooked no nonsense in his courtroom. The lawyers practicing before him feared his jovian wrath if they stepped out of line or strayed from the facts and the law as much as they respected his ability and loved him personally.

A young newsman once made the mistake of hurrying into his courtroom chewing gum as a sort of relaxer against the tensions of the copy deadline. The motion of the reportorial jaws distracted a witness and annoyed Judge Wyche who forthwith reprimanded the young man whom he knew well in private life. The reporter now one of South Carolina's senior editors, still has not regained his taste for chewing gum.

Judge Wyche's opinions in non-jury cases were models of simplicity of expression, of judicial restraint adhering to the law without reflecting personal predilections and of penetrating analysis of the facts and the pertinent legal principles. Not even concern that a higher court might reverse him in these later years when judicial precedents fall like leaves in the autumn swayed his judgment.

In accepting guilty pleas and trying criminal cases with juries, Judge Wyche did not merely "temper justice with mercy." He administered the law with wisdom and compassion. He pioneered, at least in this state, in the use of probationary sentences and parole. He selected the federal probation officers and staff with the utmost care

and encouraged them to become outstanding in their field.

A defendant who showed promise of making good with a new start was given a chance to reclaim his life from ruin and waste. But the probationer or parolee who abused the privilege soon learned the judge was no patsy.

No courtroom occasion gave him greater satisfaction, nor a better chance to enjoy the pleasure of expounding his philosophy of citizenship, than the periodic naturalization hearings. When he welcomed new citizens, he unbent and talked to them as he would friends in an informal gathering.

When he had finished, they had a new appreciation of the privileges and obligations of American citizenship. So did their native-born friends and courtroom observers.

Judge Wyche was 81 and he lived life to the fullest, scorning retirement. In the last decade or two he had more than once engaged in combat with the mortal enemy of all men, death, and emerged victorious in mind and body when medical science had lost hope. It was ironic, and a measure of the man, that death won only after he had been gravely injured in a fall at his home.

In his lifetime, Judge Wyche played many roles. He was a soldier in World War I, an advocate without peer, a district attorney without fear, a master politician before federal service forced him to the sidelines, a devoted husband and father who felt family ties strongly, a beloved friend and delightful companion and a judge who left his indelible imprint on every case he decided.

There could be no more fitting epitaph than one saying that, in all he did, he excelled.

[From the Spartanburg (S.C.) Herald, Sept. 20, 1966]

HE ENRICHED OUR HERITAGE

Federal Judge C. C. Wyche became almost a legend during his own lifetime—a life distinguished in the service of justice.

The roll of his close friends included practically all of the prominent leaders of this state in this century. The sharpness of his mind and his wisdom had a far broader influence on the affairs of his time than the judicial judgments he delivered.

Judge Wyche's quick wit and colorful humor were known and appreciated by many who did not know him personally. They were passed from man to man, from year to year, in hearty stories that were repeated time and again.

South Carolina's heritage was enriched by the long and faithful presence of this man. The lasting imprint Judge Wyche leaves on his state's history and in the minds of those who knew him is the best epitaph to a man who fulfilled to the greatest satisfaction his role in life.

[From the Greenville (S.C.) News, Sept. 18, 1966]

HIP INJURY FATAL: DEATH TAKES JUDGE WYCHE

SPARTANBURG.—U.S. District Judge Charles Cecil Wyche, 81, the nation's senior federal jurist, died at Spartanburg General Hospital Saturday afternoon.

He had been under treatment since Monday, following a fall and a broken hip at his home, 268 Mills Ave.

First appointed to the federal bench Jan. 30, 1937, by President Franklin D. Roosevelt, it was only last November that Judge Wyche became the senior judge still active in full-time duty in federal courts of the entire nation.

The career of Judge Wyche, active to the last, was, in Gov. Robert E. McNair's words, a "distinguished record of service" that made him "admired and respected by his fellow judges, members of the bar, and all who had

occasion to know him as a man of fairness and high capability."

The dean of federal district judges was graduated from Prosperity High School in 1902. The Citadel, from which he was graduated in 1906, awarded him an honorary doctor of laws degree in 1952.

Judge Wyche studied law in the office of the late U.S. Sen. Frank B. Gary, under his uncle, Judge Thomas S. Sease, and at Georgetown University while he was private secretary to Sen. Gary.

TAUGHT SCHOOL

Briefly, he was a teacher and principal at Lees Graded School (1906-07) and West End Graded School, Spartanburg (1907-08).

He was admitted to the bar in 1909 and practiced law in partnership with former Gov. John Gary Evans, with the late Miller C. Foster, with former U.S. Rep. Sam J. Nicholls and his father, Judge George W. Nicholls.

He engaged in law practice also with the many-officed and now elder statesman James F. Byrnes and with now U.S. Sen. Donald S. Russell.

The law career of Judge Wyche saw him as Spartanburg city attorney, Spartanburg county attorney, U.S. district attorney for the onetime Western District of South Carolina.

He served as a member of the delegation from Spartanburg to the S.C. House of Representatives.

During World War I, between May 1917 and April 1919 he rose from the rank of an infantry lieutenant to major in the Army. He was a reservist on active duty, serving as a training instructor, as a judge advocate, and, in France, as a battalion commander.

Before his federal judgeship appointment, Judge Wyche sat as a special judge in South Carolina's circuit courts by special appointment. Also by special appointment, he was briefly (1929) an associate justice of the S.C. Supreme Court.

APPOINTED IN 1937

Since his 1937 federal bench appointment, he sat with the Fourth Circuit Court of Appeals and on numerous occasions on special three-judge-court cases.

Judge Wyche held tight control over the courtrooms in which he presided with a quick if sometimes cutting wit—tempered with subtle, whimsical, even mellow side of his personality.

Probably his favorite official duty was his role in the naturalization hearings for aliens seeking United States citizenship. It was there the stern lines of his face relaxed and his personal warmth projected.

At such hearings, he was wont to chat, reminisce, sometimes lift a tiny new citizen, often adopted, to his robed knee for a light respite from the harsher business his courtrooms generally dealt in.

STRIKE TO CORE

But never was his courtroom command relaxed. And he could strike to the core of a problem biting. Once a witness persisted in elaborating with opinion on testimony despite warnings until Judge Wyche scathingly suggested that if the witness planned to try the case, perhaps they should change seats.

Judge Wyche was a native of Prosperity, son of the late Dr. C. T. and Carrie Sease Wyche. His mother was a sister of the late Judge Thomas S. Sease.

Surviving are a daughter, Mrs. Charles Camp of Florence; a brother C. Granville Wyche of Greenville; a sister, Mrs. Maxwell H. Forbes of Haverford, Penn., and two granddaughters.

His wife—they were married in 1916—was the late Mrs. Evelyn Crawford Wyche.

Judge Wyche was one of four federal district judges in South Carolina. The others are J. Robert Martin Jr. of Greenville,

Robert W. Hemphill of Chester and Charles E. Simons of Alken.

Graveside services for the veteran jurist—the family has requested that flowers be omitted and any memorials be made as contributions to the American Diabetes Association—will be conducted Sunday at 4:30 p.m. in Greenlawn Memorial Gardens by Dr. Fred Poag and Rev. Henry Keating.

Nephews will be pallbearers and the Spartanburg County Bar Association, state and federal members of the judiciary, will attend in a body.

[From the Columbia (S.C.) State, Sept. 20, 1966]

A LOSS TO BENCH AND BAR

The Federal judiciary lost an illustrious member last weekend with the death of District Judge C. Cecil Wyche—and South Carolina lost one of the state's outstanding citizens.

Judge Wyche had been on the bench so long (since 1937) that few South Carolinians of this day and age realized the scope of his earlier services to state and nation. But, in a career of public service spanning almost half a century, he had been a school teacher, a battalion commander in World War I, a member of the South Carolina House of Representatives, a city attorney, a county attorney, and a United States district attorney.

His elevation to the federal bench by the late Pres. Franklin D. Roosevelt was a recognition of legal abilities which already had won him periodic appointments as special judge in the South Carolina judiciary.

Judge Wyche had the deserved reputation of being firm but fair. There never was any doubt about who was in charge when he presided, although he often relaxed noticeably when conducting naturalization proceedings. He manifested a genuine interest in new citizens and demonstrated for them both an official and a personal welcome to the United States.

There is the temptation to say of Judge Wyche that he was "the last of the old breed." But in a time when the federal judiciary needs all the prestige and professional competence it can muster, let us simply hope that Judge Wyche has left an image which Federal judges of today and tomorrow will seek to emulate.

THE MILWAUKEE JOURNAL AND STATION WITI-TV CALL FOR A CLEANUP CONFERENCE ON INTER-STATE POLLUTION

Mr. NELSON. Mr. President, a serious interstate pollution problem is continuing to develop in some of the interstate waters surrounding my State of Wisconsin—along the western shore of Lake Michigan, in the Green Bay area, and in the Duluth-Superior area. The pollution comes from industries, communities, ships, and other sources located in several States. It affects the citizens of more than one State.

Consequently, this interstate pollution is something which the State of Wisconsin alone cannot check. As it continues to mount, it poses an increasingly serious threat to the scenic beauty of our State, to our extremely valuable tourist industry, and to the source of fresh water which serves hundreds of thousands of our citizens.

The obvious way to meet the interstate pollution crisis would be to convene a Federal-State water pollution conference under the Federal Water Pollution Control Act, the precise manner in which Congress intended that such problems

be handled. Such a conference would bring together representatives of local, State, and Federal governments, and representatives of private industry. The conference would inventory the pollution and then draw up specific recommendations for eliminating it. If the recommendations were not carried out by those responsible for the pollution, they could be enforced by court order.

Ever since early this year, I have been urging that such a conference be convened, especially to deal with the serious situation in the Green Bay area. Unfortunately, the State of Wisconsin has refused to make such a request.

Wisconsin's largest newspaper, the Milwaukee Journal, has consistently championed the idea of a Federal-State water pollution conference. In an excellent editorial on October 1, the Journal again pointed out to the Governor that this step must be taken if we are serious about fighting interstate pollution. The Journal said:

Two points continue to elude the governor. For one thing, western Lake Michigan and Green Bay have been studied to death. The Federal Water Pollution Control Administration made public detailed reports on pollution in both areas last June . . . More important, Wisconsin cannot clean up the Great Lakes singlehanded.

I ask unanimous consent that this excellent editorial from the Milwaukee Journal be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KNOWLES MOVES ON LAKES POLLUTION, BUT NOT ENOUGH

Gov. Knowles now says he will seek federal manpower to help make more studies of Great Lakes pollution. The governor, who has resisted the calling of a federal enforcement conference, also said that he would agree to request such a conference for Lake Michigan if the resource development board feels it necessary "in order to secure this additional technical help." The board, Wisconsin's new water quality agency, has agreed to seek the extra federal manpower. It has taken no action on the federal conference.

Two points continue to elude the governor. For one thing, western Lake Michigan and Green Bay have been studied to death. The federal water pollution control administration made public detailed reports on pollution in both areas last June. Its officials say that the agency is basically ready to proceed without further major studies if enforcement is started.

More important, Wisconsin cannot clean up the Great Lakes singlehanded. It is true enough, as Interior Secretary Udall remarked recently, that Wisconsin has one of the best state pollution control laws in the nation. It is equally true that the finest state law won't permit Wisconsin to reach out and order Michigan, Illinois or Indiana to stop polluting the lakes. This is an interstate matter. Only the federal government can function effectively in the vacuum.

There have been enough "studies." The major polluters are known. The job now is to get them to stop polluting. Federal enforcement conferences should be set up for Lake Michigan, Green Bay and probably the western end of Lake Superior whether Gov. Knowles requests them or the federal government initiates them on its own.

Mr. NELSON. Mr. President, second, television station WITI-TV in Milwaukee

pointed out to its viewers on September 29, that Wisconsin is losing the fight against water pollution. WITI-TV said:

We need to crack down hard on those communities, industries, and individuals who pollute our waters. * * * As Senator NELSON insists, this is one fight we cannot win alone.

I ask unanimous consent that the WITI-TV editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WISCONSIN CAN'T FIGHT POLLUTION WITHOUT FEDERAL COORDINATION

Although he wasn't actually present at the recent congressional subcommittee meeting on water pollution here in Milwaukee, Senator NELSON got some strong opinions across on one of his favorite subjects. We feel the Senator was right on target when he complained that Wisconsin is losing the fight on water pollution . . . losing it by continually refusing to convene a federal-state water pollution conference.

NELSON talked about the serious interstate pollution in Lake Michigan, Green Bay, and Lake Superior. He charged that pollution threatens the Mississippi and Fox rivers and the state's 8,000 lakes. It's true that Wisconsin has been a pioneer in fighting pollution and now we've strengthened the anti-pollution laws even further. However, lately we seem to be content in publishing lengthy reports about our so-called progress.

With a fall election coming up, politicians enjoy boasting of our accomplishments. As Senator NELSON says: "The most significant facts on the pollution crisis in Wisconsin are found in the soiled rivers and the suffocating lakes." Ask any sportsman about pollution. You'll get straight facts. He'll tell you, no matter how state officials might boast progress, most of our lakes and streams are open sewers . . . and are getting worse, not better.

TV6 has never been keen on seeking money or help from Washington. With most programs, it's far more efficient and far cheaper to ignore Washington and go it alone. But, not in this case. Not when rivers and lakes know no state boundaries. For example . . . if Minnesota were to refuse to clean up polluted rivers which flow from their state into ours, it would be useless for us in Wisconsin to clean up pollution.

We need to crack down hard on those communities, industries and individuals who pollute our waters. And, TV6 reminds state officials, we also need continual coordination with federal and interstate efforts to clear our waters. As Senator NELSON insists . . . this is one fight we cannot win alone.

A FRESH APPROACH TO JUDICIAL ADMINISTRATION

Mr. BAYH. Mr. President, the August-September 1966 issue of *Judicature*, a magazine published by the American Judicature Society, contains a thoughtful and interesting article contributed by the Senator from Maryland [Mr. TYDINGS]. Senator TYDINGS' article, entitled "A Fresh Approach to Judicial Administration," represents a thoughtful, provoking examination of many aspects of the administration of law and justice.

Since becoming chairman of the Subcommittee on Improvements in Judicial Machinery, the Senator from Maryland has distinguished himself by conducting a continuing and thorough review of practices and procedures crucial to the

administration of justice. I strongly recommend this stimulating and scholarly article both to lawyers and non-lawyers.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FRESH APPROACH TO JUDICIAL ADMINISTRATION

Since its founding by Herbert Harley, Roscoe Pound, John Wigmore and others in 1913,¹ the American Judicature Society has played a leading role—often a lonely role—in promoting court reform through improvements in judicial administration. That its struggle should so often be a lonely and difficult one is puzzling and unfortunate. It is a tragic reflection of our times that other, more striking problems have led legislators and the public to ignore the difficulties of the courts, for the effective operation of the judicial system is central to our notion of free and responsible government. Our system depends on the orderly and peaceful settlement of disputes according to the rule of law. When the courts of law cannot perform this function with fairness and dispatch, the result will be frustration and ultimately chaos.

It cannot be overemphasized that an effective judicial system requires not only that just results be reached but that they be reached swiftly. As Chief Justice Warren warned in an address to the American Bar Association, "Interminable and unjustifiable delays in our courts are . . . corroding the very foundations of Constitutional government in the United States. Today, because the legal remedies of many of our people can be realized only after they have swallowed with the passage of time, they are mere forms of justice."² Lawyers are particularly aware that the courts are confronted with cases of unprecedented number and complexity, and that in their pursuit of legal relief many litigants are faced with intolerable delay. They should be equally aware that to maintain the rule of law as the basis for a free society, a way must be found to meet this challenge. I firmly believe that with determination and imagination—by breaking away from indifference and ancient prejudices—we can bring the judicial system into the twentieth century, and make the judicial process once again both swift and just.

A few statistics will illustrate the magnitude of the problem. Look at the plight of Federal district courts in large metropolitan areas.

The Southern District of New York, with 24 judges, had a backlog of 10,000 civil cases as of July 1965.³ The median elapsed time from issue to trial for the middle 80% of civil cases was 39 months.⁴ More than 17% of all cases there—more than 1700 cases—had been pending in excess of three years.⁵

The Eastern District of Pennsylvania, with 11 judges, has an even more serious problem. During fiscal 1965 the backlog in-

creased 14% to 6,000 cases,⁶ and median delay between issue and trial was 41 months.⁷

It is not only the larger districts that suffer from significant backlogs and long delays:

In the District of Rhode Island, with one judge, 17% of all cases have been pending for more than three years.⁸

In the District of Delaware, with three judges, this figure is slightly higher.⁹

The number of cases being filed in Federal courts is steadily increasing. Between 1962 and 1965 the weighted caseload per judgeship rose by 13% from 242¹⁰ to 274.¹¹ And during the same period the total backlog in all Federal district courts increased approximately 15% from 64,000¹² to more than 74,000 cases.¹³ The Federal courts of appeals also find it impossible to keep up with the rising caseload. The number of appeals has increased from 4,204 in fiscal 1961 to 6,766 in fiscal 1965—an increase of 60%.¹⁴ In just one year, fiscal 1965, the backlog rose by more than 25%—from 3,780 to 4,755 cases.¹⁵

Similar problems exist in state systems:

In Louisiana in 1964, 77,000 suits were filed while only 59,000 were terminated, adding more than 18,000 cases to an already staggering backlog.¹⁶

In the Circuit Court of Cook County, Illinois, the average litigant in a civil jury case faces a delay of 70 months—almost six years—from filing to trial.¹⁷

In Texas in 1961 the backlog was 120,000 cases and approximately 20% of all cases had been pending for over 5 years.¹⁸ Texas authorities no longer compile figures indicating how long cases have been pending. However, we do know that the backlog is currently in excess of 212,000 cases.¹⁹

Statistics like these indicate that existing administrative practices of our courts are not adequate to cope with ever-growing caseloads. In keeping with traditional concepts of an independent judiciary, the courts have been left largely to their own devices to solve administrative problems and to initiate reform. But the courts have not taken enough initiative to solve their own problems, and the Congress and the state legislatures have been indifferent to the few proposals for reform that have been brought forth.

Fortunately, Congressional interest in the administration of justice has been increasing in recent years. The Judiciary Committees of both Houses has championed a number of long-needed reforms, including the Criminal Justice Act of 1964, and the Bail Reform Act of 1966. The Senate Judiciary Subcommittee on Improvements in Judicial Machinery, of which I am chairman, is charged with the responsibility of recommending appropriate legislation to enhance the effectiveness of our courts. Some of the more important proj-

ects of the Subcommittee in recent months include:

The Federal Magistrates Act of 1966, a bill to overhaul the U.S. Commissioner system in an attempt to upgrade the "front line" of Federal justice and make a more rational allocation of Federal judicial functions.

A study of the problems of judicial fitness, in the hope that an appropriate way may be devised to remove, retire, or discipline Federal judges who because of misbehavior, age, senility, or other impairment, should no longer sit on the bench.

A reconsideration of the present method of selecting chief judges in our Federal courts, in order to determine whether a system of selection based upon administrative ability rather than seniority would assure more effective judicial administration.

A re-evaluation of the structure and operation of the circuit judicial councils.

Assuring that the Federal judiciary has sufficient supporting personnel to enable it to discharge its duties effectively.

Cooperation with the courts of the District of Columbia to secure a comprehensive study of their organization and operation, with an eye to stimulating other courts to undertake extensive self-evaluation.

Given the mandate of the Subcommittee, improving the Federal judiciary has been our prime concern. Yet, the problems of the State courts cannot be ignored. These courts touch the lives of a far greater number of individuals than have contact with the Federal courts. If the state courts falter, people will increasingly look outside the judicial process for the effective vindication of rights. We cannot allow this to happen. Therefore, it is not only appropriate but necessary that the Congress take steps to encourage State courts to revitalize themselves.

It was to this end that a short time ago I introduced the National Court Assistance Act.²⁰ Its purpose is to promote the administrative improvement of state judicial systems by making Federal funds available on a grant-in-aid basis to State courts. Under the bill, money would be available for a variety of purposes—court studies, seminars for administrative judges and other programs to improve court administration. The bill provides that applications for funds must be approved by the chief or presiding judge of the court involved, and further prohibits any interference with the function or control of State courts by the Office of Judicial Assistance, which would be created by the act to administer funds. An additional service of that office would be to act as a comprehensive repository of information on administrative improvement, a resource which at present is lacking. In short, by doing for state and municipal courts what the Law Enforcement Assistance Act is already doing for local law enforcement authorities, this bill would help the state judicial systems help themselves.

One purpose of the National Court Assistance Act and of our efforts to sponsor a pilot study of the courts of the District of Columbia is to stimulate an imaginative and farsighted approach to problems of judicial administration. Too little attention has been paid to the possibility that with improved techniques more cases can be handled by each judge without any impairment of the traditional decision-making process. Too much of the thinking in this area has been characterized by the stale notion that the only solution to backing and delay is either more judges or fewer cases.

In fact, the experience of the Federal courts indicates that adding more judges can at times be no solution at all. During fiscal 1959 more than 62,000 civil cases were

²⁰ S. 3725, introduced on August 15, 1966.

¹ "Giants in the Earth," 46 J. Am. Jud. S. 43 (1962).

² Speech to opening assembly, 1958 Annual Meeting of the A.B.A. See also, Warren, "The Problem of Delay: A Task for Bench and Bar Alike," 44 A.B.A.J. 1043 (1958).

³ Annual Report of the Director of the Administrative Office of the United States Courts (1965), Table C1, p. 174. Hereafter referred to as Report of Director (1965).

⁴ Ibid., Table C10, p. 210.

⁵ Ibid., Table C6a, p. 196.

⁶ Ibid., Table C1, p. 174.

⁷ Ibid., Table C10, p. 210.

⁸ Ibid., Table C6a, p. 196.

⁹ Ibid., Table C6a, p. 196.

¹⁰ Annual Report of the Director of the Director of the Administrative Office of the United States Courts (1962), Table XI, p. 288. Hereafter referred to as Report of Director (1962).

¹¹ Report of Director (1965), Table XI, p. 262.

¹² Report of Director (1962), Table C1, p. 192.

¹³ Report of Director (1965), Table C1, p. 174.

¹⁴ Ibid., Table B1, p. 158.

¹⁵ Ibid., Table B3, p. 164.

¹⁶ Report of the Judicial Council of the Supreme Court of Louisiana (1964), Table X.

¹⁷ Report of the Administrative Office of the Illinois Courts, May 25, 1966.

¹⁸ Texas Civil Judicial Council, Judicial Statistics (1962), p. 14.

¹⁹ Texas Civil Judicial Council, 37th Annual Report (1965), p. 88.

terminated in the Federal district courts.²¹ Two years later, in 1961, 63 additional district judgeships were created. Yet in fiscal 1964, after virtually all of those judgeships had been filled, the district courts handled only 64,000 cases.²² This means that despite a 25% increase in judicial manpower, the courts were able to dispose of only 3% more cases. I do not know why this occurred, but it is clear that at least in this one case adding more judges accomplished virtually nothing to alleviate congestion in the Federal courts.

Moreover, those who suggest that the plight of a particular court can be alleviated by curtailing its jurisdiction should remember that such a step may simply transfer a block of cases from that court to another which may be even less equipped to deal with them. And the more radical measure of removing certain classes of cases from the judicial process altogether is an admission of defeat before the battle for sound judicial administration has even begun. We should not conclude prematurely that courts are incapable of serving as a forum for peaceful settlement of disputes in an increasingly complex world.

If the solutions of more judges and fewer cases are rejected as unsuitable, what then can be done? I suggest that before the courts—and I speak here of both Federal and State courts—can begin to overcome the problems of congestion and delay three important steps must be taken:

First, each court system must have a supervising judge with the power and personnel to make and implement administrative decisions.

Second, each court system must establish procedures to collect and analyze detailed current information about all relevant aspects of the court's operations.

Third, each court system must have adequate physical facilities, competent clerical personnel, and office procedures that function to promote the efficient administration of justice. Let me elaborate upon these three prerequisites for sound judicial administration.

First, judicial efficiency and centralized administration of a court system are inseparable. In the judicial process there are a number of necessary and important decisions that are not judicial decisions in the traditional sense. They are, rather, determinations affecting the efficient administration of the court. Control of the docket, the assignment of judges to cases, and the use of supporting personnel are all related elements of a total administrative picture. At present, too often these matters are regulated by the inertia of the system rather than by conscious choice. Administrative decisions must be made quickly, on a day to day basis. They are best placed in the hands of a single judge having the power to enforce his administrative judgment.

An example of what central administration can accomplish is provided by the Superior Court of Los Angeles, a trial court of more than 120 judges serving a vast and growing metropolitan area. A series of forceful presiding judges, elected by their colleagues for administrative ability and aided by a permanent administrator, implemented reforms in docket control that reduced delay in civil jury cases from more than 2 years to less than 6 months.

The recent reorganization of the Illinois court system has given the Chief Judge of the Circuit Court of Cook County administrative control over 238 judges. With the assistance of qualified administrative personnel, the

Chief Judge has begun to implement a sweeping program of reform. This program, like the Los Angeles experiment, was made possible by central judicial control, and has given rise to an increased hope that the court will be successful in its assault upon a staggering caseload.

Second, in order to make effective use of a sound administrative framework, the judge discharging administrative duties must have at his disposal current and meaningful data that will allow him to make informed decisions. In too many of our courts today statistics are compiled unsystematically and too late to allow the court to control the flow of cases in an intelligent way. Modern science has devised methods of collecting and analyzing information and making it available almost instantaneously. Only a few courts have begun to take advantage of these techniques, but these few courts have found modern methods an indispensable tool in a program to reduce backlog and delay. Availability of information places control of the calendar in the hands of the court rather than in the hands of the litigants or their attorneys.

A notable example of the application of modern information-gathering techniques in a judicial context is found in the Court of Common Pleas of Allegheny County, Pennsylvania, which handles nisi prius judicial business in the metropolitan area of Pittsburgh. All relevant information about each case is transcribed onto punchcards when the case is filed. Steps taken from the time of filing the complaint until final disposition of the case are rapidly recorded on these cards. The status of cases can be checked accurately in a matter of minutes, and any aspect of the judicial process may be statistically analyzed by running the cards through an appropriately programmed sorter. With this kind of information the court can easily monitor the status of cases and take appropriate steps to encourage lawyers to keep their cases moving. For example, notices reminding attorneys of their obligations can be automatically printed, and the court can easily learn—indeed, can automatically be informed—when lawyers are failing to prepare their cases expeditiously. If it appears that a law firm is unable to move cases to trial because it has accepted more matters than it can handle, corrective steps can be taken by the court. For instance, in Allegheny County, the chief judge has confronted several law firms with the statistics and has prevailed upon them to hire more trial attorneys.²³

Without adequate information on lawyers' caseloads, attorneys are often scheduled to appear in two different courtrooms at the same time. Such a scheduling conflict necessarily produces a continuance in one of the cases, and, given the condition of most courts' dockets, this may mean a delay of several months. Such a delay is not unavoidable; it is simply the product of poor management. The most elementary system of modern information-gathering can eliminate most of these conflicts and expedite the trial of many cases.

Third, each court must conduct a careful study of its facilities, personnel and business procedures. For example, systems of record storage should be modernized. Though quill pens and green eye-shades are not nearly so abundant in clerks' offices as of old, there are still far too many records painstakingly maintained by hand. The courts store tons of documents in dusty bins which pre-empt valuable space. There is practically no use being made of such modern recording devices as microfilm and magnetic tape. Furthermore, the clerks' offices of our courts must not be allowed to serve as convenient and comfortable pastures for political hacks. An

efficient court system requires competent personnel at all levels.

This then is a general outline of the type of measures that can help us to meet the challenge of facing our judicial system. Men trained primarily in the law, however, need need expert assistance to work out the details of the necessary administrative reforms. Through the application of improved management techniques and with the help of trained management experts, commerce and industry have been able to achieve more efficient use of available resources. Of course, in the judiciary efficiency is not an end in itself. Rather, what is desired is the expeditious processing of cases while preserving the traditional requirements of due process of law. The decision-making process—as opposed to the mechanics of administering the caseload of the court—must not be short-circuited by techniques designed primarily for speed.

Nevertheless, principles of good business management can be tailored to the needs of the judicial system and can enable the courts to handle their caseload with maximum efficiency and minimum delay. Far from impairing the quality of the decision-making process, such reforms, I suggest, will enhance it by releasing time now spent by judges on administrative detail and making this time available for resolving the underlying merits of judicial disputes.

Thus far, most judges have been reluctant to make use of the services of management consultants. This is in part due to the lawyer's traditional distrust of methods that are new and strange. Some judges fear that their judicial functions may be "computerized," that management consultants will intrude into areas that affect the decision of cases. There is an understandable feeling that non-lawyers may not comprehend the needs of the judicial system.

The management consultants themselves have not made their usefulness clear to the judiciary. They have failed to explain in cogent terms just what their studies can accomplish. They have failed to assuage the fear of the legal fraternity that "efficiency experts" will be unable to distinguish between delays in the judicial process that serve the ends of justice and delays that are unnecessary and avoidable by improved management. Just as judges and lawyers must understand that with proper guidance management engineers can help the courts, the management engineers must understand that the administration of justice is not just another business, and that if they are not to do more harm than good they will need guidance from lawyers. But once the courts and the consultants recognize each other's needs and potentialities they can cooperate to make the judicial system a modern instrument of justice. The preservation of the decision-making process is the value we must protect, and the goal of a management study must be to allow this process to function free from impediments and unnecessary administrative burdens. What precisely can a management study do toward this end? Let me suggest a few possibilities:

It can identify the administrative decisions that must be made in a court system and determine by whom and at what level in the judicial hierarchy these decisions can most efficiently be made.

It can define the appropriate grouping of courts to make up an efficient administrative unit.

It can recommend a suitable system of information collection and analysis, and the equipment necessary to implement it.

It can evaluate and redesign office procedures for the processing of papers and the maintenance and storage of records.

It can indicate the necessary qualifications and number of clerical and other court personnel.

²¹ Annual Report of the Director of the Administrative Office of the United States Courts (1959), Table C1, p. 180.

²² Annual Report of the Director of the Administrative Office of the United States Courts (1964), Table C1, p. 214.

²³ Ellenbogen, "Automation in the Courts," 50 A.B.A.J. 655 (1964).

It can plan the efficient and comfortable use of available court house space.

All these areas—and many more—fall within the purview of qualified management engineers, and let me emphasize again that training in the law gives one no special competence to deal with these matters. Management consultants can serve the best interests of the courts without encroaching in any way upon traditional judicial functions. Their assistance is needed if the courts are to discharge their responsibility to society. For that responsibility, as I said earlier, is not only to settle disputes but to settle them quickly. Twenty-five years ago the late John J. Parker, the distinguished Chief Judge of the Fourth Judicial Circuit, spoke of the impediments to swift justice. Regretably, his words remain as true today as they were then. I shall conclude by repeating them:

"... If the lawyer wishes to preserve his place in the business life of the country, he must improve the administration of justice in which he plays so important a part and bring it into harmony with that life. If he imagines that the present functioning of the courts is satisfactory to the people, he is simply deluding himself. Workmen's compensation commissions were established very largely because the courts were not handling efficiently the claims arising out of industrial accidents... Business corporations are willing, as all of us know, to suffer almost any sort of injustice rather than face the expense, the delay and uncertainties of litigation. Arbitration agreements are inserted in contracts with ever-increasing frequency; and every such agreement is an implied affirmation of the belief that lay agencies for attaining justice are more efficient than the courts. Let me remind you that the administration of justice is the business of the lawyer as well as of the courts, and that if he does not wish to see his business slip away from him, it behooves him to go about it in an efficient and businesslike way.

"... If democracy is to live, democracy must be made efficient... If we would preserve a free government in America, we must make free government, good government. Nowhere does government touch the life of the people more intimately than in the administration of justice; and nowhere is it more important that the governing process be shot through with efficiency and common sense... Nothing else that we can possibly do or say is so important as the way in which we administer justice. The courts are the one institution of democracy which has been intrusted in a peculiar way to our keeping."²⁴

SHARP CUT PREDICTED IN PLANT SPENDING GROWTH SHOWS NOW WRONG TIME TO SUSPEND THE INVESTMENT CREDIT

Mr. PROXMIRE. Mr. President, evidence and expert opinion continue to pile up against the proposal to suspend the investment credit and end accelerated depreciation.

This morning's newspapers report that Economist Pierre Rinfret, chairman of the Lionel Edie Co., discloses that a survey recently conducted by his company shows that the increase in capital outlays by business will decline spectacularly next year from this year's 17-per-cent increase to only 3 percent.

Mr. Rinfret was approvingly quoted by President Johnson in 1964 when he signed the big tax cut bill.

²⁴Parker, "Improving the Administration of Justice," 27 A.B.A.J. 71, 76 (1941).

Rinfret now says that any kind of tax increase would be a blunder. Rinfret incidentally supported a tax increase last January. He calls it a blunder that the Government failed to enact one then. But he contends we would compound that blunder if we enacted one now; and Mr. Rinfret specifically refers to the investment credit suspension. It is interesting that the Edie survey assumes a solid escalation of effort and spending in Vietnam, that there will be an increase to 500,000 troops by mid-1967 and rise gradually thereafter; and that as part of that troop buildup that defense expenditures in 1967 will be \$10 billion higher than in 1966 and that expenditures for the current year will run \$8 billion above the 1965 level.

Mr. President, I ask unanimous consent that the article from the morning's New York Times reporting the Rinfret predictions be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHARP CUT SEEN IN PLANT SPENDING GROWTH—RINFRET PREDICTS 3 PERCENT RISE IN 1967 AFTER THIS YEAR'S 17 PERCENT

(By Vartanig G. Vartan)

Pierre A. Rinfret, an economist whose views have in the past been espoused by President Johnson, declared yesterday that the nation's five-year boom in capital spending by corporations would slow down sharply in 1967.

His projections call for plant and equipment outlays next year to rise a modest 3 per cent—to \$62.8-billion—after a mammoth 17 per cent increase in 1966.

Capital spending is widely regarded as a key to inflationary pressures this year.

Mr. Rinfret (pronounced Renfrey) is chairman of Lionel D. Edie & Co., Inc., a private economic research and investment counseling concern that for the last 14 years has conducted an annual survey of capital spending plans.

In an interview, Mr. Rinfret, an ebullient economist who wears gold cuff links and smokes a dozen cigars a day, discussed the implications of the latest survey.

OTHER ESTIMATES HIGHER

The findings of the Edie concern are at variance with other tentative forecasts that have estimated a 10 to 15 per cent gain in capital outlays next year over the record \$60.8-billion level for 1966.

After marking time on a plateau of around \$35-billion for several years, capital spending began to spurt in 1962 with an increase of 9 per cent. In successive years, the gains were 5 per cent, 14 per cent, 16 per cent and 17 per cent, respectively.

"Our findings indicate that the economy is naturally slowing down as a result of the restrictions placed upon it," Mr. Rinfret stated. "Any further efforts to curtail the economy are, in fact, going to lead to an unnecessary recession."

"This is a time," he summed up, "when the Government should just stand there and let the developing forces develop."

Mr. Rinfret takes the view that monetary policy is beginning to take hold and, among other effects, is forcing moderation in future spending plans by American industry.

Moreover, he issued a warning for the Johnson Administration in its efforts to contain an inflationary boom.

"A corporate or personal tax increase would be an economic blunder of the first magnitude," he declared.

He also criticized the Administration's current bill in Congress to discourage capital spending. The bill calls for a 16-month suspension, from last Sept. 9 through Dec. 31, 1967, of widely used tax incentives for expanding and modernizing industrial capacity in the United States.

Under the bill, the suspension would apply to a 7 per cent tax credit now available on outlays for machinery and other equipment and to the most liberal types of fast tax writeoffs, known as accelerated depreciation, on industrial and commercial buildings.

Mr. Rinfret believes the Administration made a blunder by not raising taxes and suspending the 7 per cent tax credit last January. For the Administration to take such restrictive steps now, he said, would in effect compound this error.

The Montreal-born economist, who is 42 years old, first came into prominence in early 1964 after President Johnson, before a nationwide television audience, quoted with approval Mr. Rinfret's then-bullish views on the economic outlook. The President had just signed a tax-cut bill.

The findings of the latest survey on capital spending have been dispatched to several Governmental agencies at their request, Mr. Rinfret said yesterday.

He views the tightness of money—its availability rather than its cost—as the primary force behind the pullback in business outlays envisaged by the Edie survey.

"The point is," Mr. Rinfret stated, "that the well has run dry."

Another big increase in spending plans for 1967, on the order of 15 per cent, for example, "would have put too much pressure on the money markets and possibly would have led to a monetary collapse," according to the economist.

What he foresees now is a "modest" recession developing in the second half of 1967.

Capital spending will reach a peak rate of between \$64-billion and \$64.5-billion in the first quarter of 1967, Mr. Rinfret estimated, and will then taper off to a rate of around \$60-billion by the end of next year.

For the final quarter of 1966, he sees outlays running at a rate of \$63.6-billion.

The basic pattern of corporate spending next year, according to the economist, calls for an increase in defense-oriented industries and either a decline or a "modest plus" for nondefense areas of private business.

In reference to the Vietnam conflict, the Edie concern assumes that the number of United States troops there "will increase to 500,000 by mid-1967 and rise gradually thereafter." As part of this troop buildup, the assumption also is that defense expenditures in 1967 will be \$10-billion higher than in 1966 and that expenditures for the current year will run \$8-billion above the 1965 level.

The following table shows 1967 capital expenditures by major categories as projected by the Edie survey:

[Dollar amounts in millions]			
	1966 (prel.)	1967 (int.)	Prtg. chg., 1966 to 1967
Durable goods industries	\$13,960	\$15,090	+8
Nondurable goods industries	13,110	12,620	-4
All manufacturing	27,080	27,710	+2
Transportation other than rail	3,620	4,900	+35
Mining	1,460	1,610	+10
Public utilities	8,160	8,650	+6
Communications, commercial and other	18,600	18,720	+1
Railroads	1,960	1,250	-36
All nonmanufacturing	33,780	35,120	+4
Total	60,860	62,830	+3

CONSUMER CREDIT UP SHARPLY: A BIG INFLATIONARY THREAT

Mr. PROXMIRE. Mr. President, the Senate Finance Committee is considering the administration request to stem inflation by suspending the investment credit.

A far better way to slow inflation is by limiting consumer credit. Consumer credit has exploded in the last few years. It represents the dynamic, driving element of demand because it constitutes the basis for the Nation's consumers to make the big purchases—cars, appliances, and so forth, the cost of which exceeds their available cash.

Consumer credit expansion is also a major reason for the record increase in interest rates. It represents a very rapidly growing demand for money.

At one stroke the Federal Government could check both rising prices and interest rates by requiring larger downpayments and full payment over a shorter period when major purchases such as cars and appliances are bought as they usually are, on time.

Such a limitation would not reduce personal income. It would require over-extended consumers to put their fiscal house in better order.

It would have the substantial advantage of preserving the purchasing power that would be expended in these inflationary months until a later period of recession when it might be needed.

And it is a practical proposal. It works. It was in effect in World War II, in the Korean war and it retarded inflationary demand then. It also stored up demand that permitted great economic growth with diminished unemployment after those wars.

We should seriously consider limiting consumer credit and should certainly do so before we suspend the investment credit and accelerated depreciation.

This is particularly true, Mr. President, in view of the recent sharp increase in consumer credit reported just this morning.

I ask unanimous consent that an article from the New York Times entitled "Consumer Credit Moves Up Sharply," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CONSUMER CREDIT MOVES UP SHARPLY—INSTALLMENT DEBT FOR AUGUST ADVANCES BY \$602 MILLION, BIGGEST GAIN IN 5 MONTHS—LOANS HIT \$6.7 BILLION—AUTO CONTRACTS SHOW SLIGHT RISE—DIPS ARE REPORTED IN OTHER CATEGORIES

(Special to the New York Times)

WASHINGTON, October 3.—Consumer installment credit recorded its largest gain in five months during August, the Federal Reserve Board reported today.

Installment credit outstanding increased by \$602-million, seasonally adjusted, during the month as nearly \$6.7 billion in new installment credit was extended and a little less than \$6.1-billion repaid. New extensions and repayments were somewhat lower than in July, when the net increase in installment debt outstanding amounted to \$564-million.

Although the August increase in outstanding installment credit was the largest for any month since March, it was still considerably below the monthly average for the

last year and about the same as the monthly average for the first quarter of this year.

New installment contracts for automobiles rose somewhat in mobile credit remained unchanged so that a net increase in automobile credit of \$208-million was recorded.

Extensions of other types of installment credit were down somewhat from the July levels.

Noninstallment credit outstanding, including charge accounts and single-payment loans, rose only \$54-million in August, as a slight decline in single-payment loans partially offset increases in charge account and service credit.

Total consumer credit outstanding at the end of the month reached almost \$91.5-billion.

SCHOOL MILK PROGRAM CONTRIBUTES TO EDUCATIONAL ATTAINMENT LEVELS

Mr. PROXMIRE. Mr. President, often we are inclined to consider child nutrition programs, such as the special milk program for schoolchildren, as contributing to the physical welfare of our children without reflecting on the degree to which they can also assist the learning process.

The school milk program is a prime example. The program helps to provide milk breaks in midmorning and midafternoon. In many instances the children aided travel long distances to school after having inadequate breakfasts. Often they have had no breakfast at all. This midmorning glass of milk can avert the headache, the gnawing stomach pain, which make it almost impossible for a child to concentrate on learning, until a wholesome school lunch is served.

The value of the school milk program is amply testified to by its wholesale use in Project Headstart programs around the country. In classes intended to help the underprivileged child to get a headstart on his formal schooling the milk received by virtue of the school milk program is considered essential to the learning process.

This is one of the reasons why I intend to continue my fight for an extension and expansion of the school milk program.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? There being no further morning business, morning business is concluded.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1966

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3164) to provide for continued progress in the Nation's war on poverty.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NELSON. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PROUTY. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Vermont is pending.

Mr. PROUTY. Mr. President, I withdraw that amendment and send another amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 29, immediately after line 17 insert the following new subsection:

"(1) The Director shall, out of the funds authorized for this Title, set aside an amount equal to 36 percent of such authorization for making grants for carrying out programs eligible for assistance under such sections which assist young people in areas having concentrations of children from low income families who have not reached the age of compulsory school attendance and which include (A) the furnishing of such comprehensive health, nutritional, social, educational and mental health services as the Director finds will aid such children to undertake successfully the regular elementary school program, (B) the provision of appropriate activities to encourage the participation of parents of such children and the effective use of their services, and (C) such other training, technical assistance, evaluation and follow-through activities as may be necessary or appropriate."

Mr. PROUTY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 275 Leg.]

Aiken	Ervin	Mansfield
Bartlett	Fannin	McCarthy
Bayh	Fulbright	McClellan
Bennett	Gore	McGee
Bible	Griffin	McGovern
Boggs	Harris	Miller
Brewster	Hartke	Mondale
Burdick	Hickenlooper	Monroney
Byrd, Va.	Hill	Montoya
Byrd, W. Va.	Holland	Morse
Cannon	Hruska	Morton
Carlson	Jackson	Moss
Case	Javits	Mundt
Clark	Jordan, Idaho	Murphy
Cotton	Kennedy, N.Y.	Muskie
Dirksen	Lausche	Nelson
Dodd	Long, Mo.	Pastore
Ellender	Long, La.	Pearson

Pell	Saltonstall	Tydings
Prouty	Simpson	Williams, N.J.
Proxmire	Smith	Williams, Del.
Randolph	Stennis	Young, N. Dak.
Ribicoff	Symington	Young, Ohio
Russell, S.C.	Talmadge	
Russell, Ga.	Thurmond	

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Idaho [Mr. Church], the Senator from Michigan [Mr. Hart], the Senator from Hawaii [Mr. Inouye], the Senator from Washington [Mr. Magnuson], the Senator from Virginia [Mr. Robertson], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Illinois [Mr. Douglas], the Senator from Mississippi [Mr. Eastland], the Senator from Alaska [Mr. Gruening], the Senator from Arizona [Mr. Hayden], the Senator from North Carolina [Mr. Jordan], the Senator from Massachusetts [Mr. Kennedy], the Senator from New Hampshire [Mr. McIntyre], the Senator from Montana [Mr. Metcalf], the Senator from Oregon [Mrs. Neuberger], the Senator from Florida [Mr. Smathers], and the Senator from Alabama [Mr. Sparkman] are necessarily absent.

Mr. DIRKSEN. I announce that the Senators from Colorado [Mr. Allott and Mr. Dominick], the Senator from Kentucky [Mr. Cooper], the Senator from Nebraska [Mr. Curtis], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Hawaii [Mr. Fong], the Senator from California [Mr. Kuchel], and the Senator from Pennsylvania [Mr. Scott] are absent on official business.

The PRESIDING OFFICER (Mr. Tydings in the chair). A quorum is present. Who yields time?

Mr. PROUTY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. PROUTY. Mr. President, I should like to say, before I explain the amendment, that I shall be very brief, and I assume that the distinguished senior Senator from Pennsylvania will be brief.

Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, this amendment is designed to require that the director of OEO set aside 36 percent of the funds authorized for title II to be used in the conduct of Headstart programs during fiscal 1967.

We have all learned of the many pitfalls and errors which have resulted—inevitably, to be sure—from the conduct of various of the programs in the war on poverty. This was and is still to be expected. Certainly, also, Mr. President, each of us is aware of the great value to the economically deprived of some of the programs carried out through the Economic Opportunity Act.

I think without question the program which has been most applauded in all sections of the country, by all witnesses at our hearings, and, indeed, even by

critics of the Office of Economic Opportunity, is the program known as Headstart.

Headstart, as we all well know, seeks to prepare the children of the underprivileged for their entry into school. It is a program sufficiently well known to everyone that there is no necessity for me to describe it in greater detail than to name it.

Mr. President, I am satisfied that the Office of Economic Opportunity, without minimizing its other efforts, would agree that Headstart has been almost singularly successful in acceptance by the community, and, indeed, in results of the efforts made in behalf of these children.

Nowhere, Mr. President, is Headstart defined in the law. That is understandable, since, once devised as a project, it, like Topsey, just grew. It is, unquestionably, an important program.

I feel very strongly, Mr. President, that it is the duty of the Congress to assure that a program so valuable as Headstart, will be continued, and that its good effects will be permitted to expand to assist the underprivileged and the deprived of our very young children. It is most important, Mr. President, that this program shall be funded to assure its vitality before the excitement which can be generated by some newer program might cause funds to be diverted from Headstart.

I am not speaking against new programs nor do I wish to discourage the imagination so necessary to seek new ways to help the poor. Of course these things must be done, and the search must continue for innovations, but not at the expense of a program which we know to be good and effective.

Thus, this amendment. The amendment, simply, provides that 36 percent of the funds authorized for title II shall be set aside by the Director to finance the Headstart program. This amendment is a requirement on the Director. I am well aware that the Office of Economic Opportunity does not like a mandate from Congress. I know full well that OEO much prefers to use the money authorized and appropriated by the Congress more or less as it sees fit within perhaps the broadest legislative language ever conceived for any agency of government. Nevertheless, Mr. President, it is my firm conviction that we have a clear responsibility to write into the law the language of this amendment to assure that Headstart is guaranteed a lease on life commensurate with its importance to the country. I realize that there is language in the committee report which lists Headstart allocations at a certain amount. We all know, however, that report language is not binding on the agency, and we know also that language in this law is binding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROUTY. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for an additional 3 minutes.

Mr. PROUTY. Mr. President, to repeat, this amendment requires that the

Director set aside 36 percent of the funds authorized for title II for the conduct of the Headstart program. This is not an amount in addition to the funds proposed by the committee to be authorized for this bill. It provides, simply, that of the funds authorized for title II of the bill 36 percent shall be earmarked for Headstart.

Indeed, Mr. President, 36 percent of the funds authorized for title II of this bill is almost the same as the 34-plus percent figure recommended by the administration for the operation of the Headstart program for fiscal 1967. It is 3 percent less than the 39 percent recommended by the committee. For example, the \$527 million proposed by the committee for the operation of Headstart is roughly 39 percent of the total authorization for title II. The \$327 million recommendation by the administration for the operation of the Headstart program is roughly 34 percent of the funds authorized for title II.

So, therefore, Mr. President, I offer my amendment to require that 36 percent of the funds authorized for title II of this bill be set aside by the Director for the operation of Project Headstart for fiscal 1967.

Mr. President, I reserve the remainder of my time.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from West Virginia [Mr. Randolph].

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

AUTHORITY FOR THE POSTMASTER GENERAL TO ENTER INTO LEASES OF REAL PROPERTY

Mr. RANDOLPH. Mr. President, I introduce a joint resolution (S.J. Res. 197) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 197) was read the first time by title, and the second time at length, as follows:

S.J. Res. 197

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2109 of title 39, United States Code, is amended to read as follows:

"§ 2109. Time Limitations on Agreements

"Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964, and under section 2103 after April 30, 1967."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. RANDOLPH. Mr. President, the pending joint resolution provides for an extension of the leasing program now in effect in the Post Office Department to April 30, 1967. The resolution would

extend the time so that the Post Office Department could continue its leasing program as at present.

The Committee on Public Works is intensely interested in examining in depth the relative merits of providing some major postal facilities through the program of long-term leasing versus Government construction of all such facilities. We feel that it is preferable at this time to have a simple expression of the desire of the Congress to continue the program rather than to go into a long-term leasing program as proposed in legislation which the committee brought to the Senate.

The mail volume in the United States is increasing at the rate of 2.7 billion pieces annually and many of the post office buildings are grossly inadequate to handle this increased mail volume. As a part of the Post Office Department's program to modernize and update its facilities, the Committee on Public Works recently approved prospectuses for the Government construction of approximately \$200 million worth of new facilities to be occupied wholly or partially by the Post Office Department. However, the long-term leasing of additional facilities already in the planning stage is necessary to prevent a breakdown in mail processing. Therefore, I propose that the present authority which will expire December 31, 1966, be extended until April 30, 1967, during which time the Congress can determine whether to extend this authority on a long-term basis or to meet all Post Office requirements for major facilities through Government construction.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DIRKSEN. Mr. President, the joint resolution deals with the authority of the Post Office Department with respect to the building of post offices under the leasing arrangement.

The Senator from Delaware [Mr. WILLIAMS] has had a particular interest in this and has pursued it with a great deal of vigor over a long period of time. If he were present, he probably would have something to say about it.

I am informed by the majority leader that the Senator from Delaware agrees with this action. I also concur with an extension of the authority by this means inasmuch as the authority expires by the end of this calendar year.

The joint resolution would extend the authority to the end of April, which would give 4 months' additional time. In that period of time, the new Congress could go into the matter rather thoroughly and ascertain what ought to be done with respect to the program.

I believe that I can speak for the distinguished senior Senator from Delaware [Mr. WILLIAMS] and for myself.

Mr. RANDOLPH. Mr. President, the constructive comment of the able minority leader does represent the viewpoint of the distinguished majority leader, the senior Senator from Montana [Mr. MANSFIELD], and the viewpoint of the senior Senator from Delaware [Mr. WILLIAMS], with whom I have discussed the matter.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 197) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CLARK. Mr. President, I ask unanimous consent that the time yielded for the preceding colloquy and passage of the joint resolution may be charged against the pending bill and not against the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1356. An act to amend the Judicial Code to permit Indian tribes to maintain civil actions in Federal district courts without regard to the \$10,000 limitation, and for other purposes;

S. 2434. An act to clarify authorization for the approval by the Administrator of the Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purposes;

S. 2463. An act to grant the consent of the Congress to the acceptance of certain gifts and decorations from foreign governments, and for other purposes;

S. 3080. An act to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority, and for other purposes;

S. 3096. An act to amend the Federal Airport Act to extend the time for making grants thereunder, and for other purposes;

S. 3715. An act to improve the aids to navigation services of the Coast Guard; and

S. 3807. An act to amend Public Law 89-428 to authorize the Atomic Energy Commission to enter into a cooperative arrangement for a large-scale combination nuclear power-desalting project, and appropriations therefor, in accordance with section 261 of the Atomic Energy Act of 1954, as amended.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (S. 3164) to provide for continued progress in the Nation's war on poverty.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, it is my understanding that the pending amendment of the Senator from Vermont is not essentially different in effect from the amendment which he proposed yesterday, which would have given legislative direction to spend not less than \$527 million for the Headstart program.

Mr. PROUTY. The Senator is correct. That is essentially true. I do not mention any distinct figure in the pending amendment. The amendment does not limit the Director. He can spend above 36 percent if he so desires.

Mr. CLARK. He could not spend less. Mr. PROUTY. It would establish a floor, but no ceiling.

Mr. CLARK. The pending amendment would establish a minimum for the Headstart program.

Mr. PROUTY. The committee recommended approximately 39 percent in its guidelines. I think the President's recommendation was approximately 34 percent. My amendment provides for 36 percent.

Mr. CLARK. As I read the figures, the 36 percent contemplated by the amendment of the Senator works out on the basis of the proposed authorization to about \$483 million.

Mr. PROUTY. That is approximately correct.

Mr. CLARK. Since the figure contained in the committee bill is \$527 million, would not this be a cut of approximately \$40 million.

Mr. PROUTY. It would not be a cut at all. The Director could still spend up to whatever amount he saw fit.

Mr. CLARK. But he could reduce the figure by that amount.

Mr. PROUTY. The guidelines recommended by the committee approximate 39 percent. Those recommended by the administration approximate 34 percent.

Mr. CLARK. I thank my friend the Senator from Vermont.

Mr. PROUTY. I am sure the Senator will agree with me that Headstart is one of the best accepted parts of the entire poverty program. It is something that most people generally believe has achieved a very useful purpose. I have no desire here to do anything other than to see that that program is maintained at a certain level, and it can go beyond that, if the Director so desires.

Mr. CLARK. Mr. President, I oppose this amendment, and so does the Office of Economic Opportunity, not because the percentage of money set as a floor for the Headstart program is not appropriate, but because it was the strong feeling of the committee that we should not earmark for any particular program under title II.

Title II is the community action title. The philosophy behind this title, in which there are a wide variety of programs, of which Headstart is only one, is that local community action boards and directors should utilize these programs as the peculiar circumstances of their community might dictate.

In other words, there is a community action program in Philadelphia, another one in Portland, Oreg., and others in Virginia, in North Dakota, in Nevada, in Illinois, in all the States of the Union and the requirements of each community might be quite different.

Therefore, the committee did not desire to write strict legislative floors or ceilings into the bill, but indicated in the report, as a guideline to the Office of Economic Opportunity, the overall sums which in the judgment of the committee it would be wise to spend for these particular programs.

It is true, as the Senator from Vermont has indicated, that the Headstart program is very popular and deservingly so. Therefore, it is a great temptation

to ride on that wave of popularity by writing into the bill specific figures and then say, "Look what we did for the little children of America."

But the fact is that, if we put a floor under the popular Headstart program, a number of other extremely useful title II programs might have to be cut in communities where they were desperately needed. Among those other programs are the programs for health centers, sponsored by the junior Senator from Massachusetts [Mr. KENNEDY], the Nelson and Scheuer amendments, which deal with the training and further education of subprofessional people.

Mr. PROUTY. Mr. President, will the Senator yield, on my time?

Mr. CLARK. I should like to finish, which shall only take a minute or two.

The Nelson amendment calls for adult work programs and was one of the most successful programs last year. Money was spent by hiring unemployed adults to work on beautification and conservation, thus creating useful employment and striking a blow for a better America.

The Scheuer amendment in title II calls for \$75 million, as a guideline, for work and training programs for adults to prepare them as subprofessionals so that they can take jobs in hospitals, recreation centers, schools, and other public institutions. This would relieve the professionals so that they can spend more time on professional work.

The legal services program has been a great success, and it is being doubled by the committee.

So, if one starts nibbling away, we will substantially reduce the administrative flexibility which should govern this title.

I have a letter written to me by Mr. Shriver, in response to my request for his views on the Prouty amendment, which was different in form but not in substance. It singled out Headstart and put a \$527 million floor under it. It has now been changed by the more general language of the present Prouty amendment, but the intent is the same and the effect is the same.

Mr. Shriver writes:

DEAR SENATOR CLARK: In connection with the Senate bill on which your committee is now working, I would like to make our position clear on this one point. If legislation is enacted giving us the present level of funds, we will spend \$527 million on the Headstart Program, provided, of course, that such a sum is appropriated by the Congress, and apportioned to OEO.

What he is saying here is that if the Senate authorizes \$2.496 billion, he will spend \$527 million on Headstart, which actually is \$40 million more than called for by the present amendment of the Senator from Vermont.

The letter continues:

However, we prefer not to have restrictions on specific program amounts because of the resulting loss of flexibility necessary to the prudent administration of the overall program.

So the Office of Economic Opportunity as does the majority of the committee, opposes this amendment.

I now yield to the Senator from Vermont.

Mr. PROUTY. I yield myself 3 minutes, Mr. President.

I should like to call the Senator's attention to the fact that under my amendment, the programs which he mentioned—legal services, loans to poverty-stricken families for home improvements, the Nelson and Scheuer amendments, rehabilitation of narcotics, and so forth—are not affected at all.

I merely say that 36 percent of whatever funds are authorized shall be used for Headstart. If the Director wishes, he can go above that amount. My amendment is essentially what the House did. It is essentially what the committee recommended in its guidelines. It is essentially what the President recommended in his guidelines—namely, that 34 percent should be earmarked for Headstart or used for the Headstart program.

Mr. President, I am merely saying that not less than 36 percent can be used for that program. The remaining 64 percent can be used for whatever program the Director sees fit.

Mr. CLARK. Mr. President, although the difference between us is very narrow, the difference is important. In my judgment, it is a question of good administration.

Mr. PROUTY. Mr. President, I yield 1 minute to myself.

Mr. President, it seems to me that the question here is whether the Congress is going to continue to abdicate its responsibility and delegate it in toto to some Federal administrator or say what is going to be spent for certain purposes.

Most of us believe that the Headstart program is outstanding and has done as much for youngsters as anything could under the poverty program.

I get sick and tired every time some administrator comes up here and says, "Give me a blank check and let me determine how it will be spent." I think that Congress has a responsibility in that respect and from now on I am going to insist on facing up to it.

Mr. CLARK. Mr. President, I yield myself such time as I may require.

The Senator makes a very persuasive argument but the fact is that if we write in a legislative floor for Headstart we have no logical excuse for not writing in a legislative floor or a legislative ceiling for legal services, for the various Nelson-Scheuer amendments, and for other programs.

Mr. PROUTY. I would love to do that, but we are not successful in convincing the majority that that should be done.

Mr. CLARK. That was the approach taken by the House of Representatives. That approach was not satisfactory to the Office of Economic Opportunity, it is not satisfactory to me, and it was not satisfactory to a very large majority of the committee because we believe in local initiative and flexibility.

I do not want Congress running this program. I want the program to be run in Burlington, Vt., in Philadelphia, Pa., and in San Francisco, Calif.

We provide the sums which are needed and can be usefully spent. We give the best advice as to where the money should

go, but we do not want to tie OEO in a straitjacket. Mr. President, that is why I oppose the amendment. Therefore, I suggest that we vote and get the matter behind us.

Mr. President, I yield back the remainder of my time.

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. NEUBERGER], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

On this vote, the Senator from North Carolina [Mr. JORDAN] is paired with the Senator from Massachusetts [Mr. KENNEDY].

If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Massachusetts would vote "nay."

I further announce that, if present and voting, the Senator from Virginia [Mr. ROBERTSON], and the Senator from Alabama [Mr. SPARKMAN], would each vote "yea."

Mr. DIRKSEN. I announce that the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Nebraska [Mr. CURTIS], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 38, nays 34, as follows:

[No. 276 Leg.]

YEAS—38

Aiken	Hickenlooper	Pearson
Bennett	Hill	Prouty
Boggs	Holland	Russell, S.C.
Byrd, Va.	Hruska	Russell, Ga.
Cannon	Jackson	Saltonstall
Carlson	Jordan, Idaho	Simpson
Cotton	Lausche	Smith
Dirksen	Long, Mo.	Symington
Ellender	McClellan	Talmadge
Ervin	Miller	Thurmond
Fannin	Morton	Williams, Del.
Fulbright	Mundt	Young, N. Dak.
Griffin	Murphy	

NAYS—34

Bartlett	Kennedy, N.Y.	Nelson
Bayh	Long, La.	Pastore
Bible	Mansfield	Pell
Brewster	McCarthy	Proxmire
Burdick	McGee	Randolph
Byrd, W. Va.	McGovern	Ribicoff
Case	Mondale	Sennis
Clark	Monroney	Tydings
Dodd	Montoya	Williams, N.J.
Harris	Morse	Young, Ohio
Hartke	Moss	
Javits	Muskie	

NOT VOTING—28

Allott	Gore	Metcalf
Anderson	Gruening	Neuberger
Bass	Hart	Robertson
Church	Hayden	Scott
Cooper	Inouye	Smathers
Curtis	Jordan, N.C.	Sparkman
Dominick	Kennedy, Mass.	Tower
Douglas	Kuchel	Yarborough
Eastland	Magnuson	
Fong	McIntyre	

So Mr. PROUTY's amendment was agreed to.

Mr. PROUTY. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HRUSKA. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. CLARK. Mr. President, I yield 3 minutes on the bill to the Senator from South Dakota.

THE INADEQUATE ATTENTION TO RURAL POVERTY

Mr. MCGOVERN. Mr. President, first of all, I want to express my appreciation to the Committee on Labor and Public Welfare for the attention it has given rural poverty and to direct attention to pages 18 and 19 of the committee's report under the caption, "Rural Poverty—Independent Funding."

In that section the committee has called attention to the fact that only 15.5 percent of the available funds have been spent in fiscal year 1966 in predominantly rural areas where 43 percent of the poverty in the Nation exists.

The committee then calls attention to the language of an amendment I successfully sponsored last year stating:

The Director shall adopt appropriate administrative measures to assure benefits of this section will be distributed equitably between residents of rural and urban areas.

The committee has provided in the new bill, in revised section 211, for the Office of Economic Opportunity to make grants or contracts with independently funded public and private nonprofit organizations in predominantly rural areas where it is not feasible within a reasonable period of time to establish community action agencies.

I applaud and greatly appreciate the careful consideration and the affirmative action that the committee has taken in this matter and say very frankly that I am going to support the program reported by the committee only because of their firm insistence on action in rural areas.

The 15.5 percent of expenditures allocated to the 43 percent of rural poverty is not equitable. I agree with the committee that it remains "grossly disproportionate to the magnitude of rural poverty, and falls short of an equitable distribution of funds."

I especially applaud the direction of the committee in its report that regional projects be undertaken where such projects can be operated most efficiently.

More than a year ago, Mr. President, the director of extension of South Dakota State University and some of his associates proposed a statewide community project. The sponsors would be our State highway commission and our colleges and universities who would conduct training and educational work, and undertake the development and beautification of local, county, and State parks, highways, and public places.

One of our most troublesome continuing soil erosion problems is roadside erosion. There continue to be roads, even through some of our most advanced soil conservation districts, where the ditches on the public right-of-way, still fill streams with silt and sediment. A good deal more than beautification could be achieved by treatment of the unused portions of the rights-of-way—water purification, soil erosion control, weed control, needed roadside rest and picnic areas, and the training and rehabilitation of the scattered jobless in the rural areas who are not sufficiently concentrated in some large city to command the attention of a unit of government that can hire experts, develop projects, and persist in the effort to get Federal assistance to the point of success.

I thought the project proposal was an excellent solution to the problem of scattered poverty in a predominantly rural State, but it was rejected because, I was told, each project must have a local sponsor clear back down in the community, or the township, where the section of road, or park, or playground exists.

There would have been opportunity for several people employed in the project to get training in the handling of tractors, grading, and other heavy machinery. There would have been opportunity to train men in the planting and maintenance of roadside areas, in botany and horticultural pursuits, and in erosion control techniques. There would have been opportunity to develop individuals trained in the development, maintenance, and operation of recreational facilities. I believe that a good deal of continuing employment, and many usefully trained citizens, would have grown out of this project, which was turned down. I hope that, in view of the committee report, it will be reconsidered.

If projects in rural areas must wait for the unpaid part-time mayors of small towns, and similarly uncompensated or part-time township officials, to send into

Washington for forms, get a planning grant, master project application forms, fill them out and correct and resubmit them a half dozen times, the job of dealing with rural poverty will never get done and the present pattern of solving rural poverty will continue. That pattern is for the impoverished country people to pile into Watts, Calif., or the South Side of Chicago, or some other congested urban area where a crisis finally forces attention to their plight.

Urban America, as well as rural America, will be benefited by the "varied and imaginative approach" to rural poverty, which the Labor and Public Welfare Committee has called for in its report.

I ask unanimous consent, Mr. President, for the section of the report on rural poverty, appearing on pages 18 and 19, to be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

RURAL POVERTY—INDEPENDENT FUNDING

After careful consideration of the nature and scope of program activity in rural areas, the committee has determined that the congressional intent respecting rural poverty has not been adequately implemented. The committee's information indicates that in fiscal year 1966 the Nation's rural poor, though comprising 43 percent of the total poverty population, received only 15.5 percent of all community action funds. This allocation is grossly disproportionate to the magnitude of rural poverty, and falls far short of an equitable distribution of CAP funds. In the judgment of the committee, prompt, practical attention and positive programs are required, beginning this fiscal year, with the objective of bringing about the earliest possible alleviation of this situation. In this connection the committee expressly calls attention to a previously enacted statutory directive on this subject. Section 617 of the Economic Opportunity Act of 1964, as amended, 89th Congress, 1st session, reads as follows:

"The Director shall adopt appropriate administrative measures to assure benefits of this action will be distributed equitably between residents of rural and urban areas."

Taking further cognizance of the need to apply more resources to the problem of rural poverty, the committee unanimously approved, as part of a revised section 211 of the act, an amendment requiring the Director to make grants to, or contract with independently funded public and private nonprofit organizations in predominantly rural areas where it is not feasible within a reasonable period of time to establish community action agencies.

This amendment is designed to assure that careful attention is paid to the desirability and necessity of funding programs sponsored by independently funded agencies in rural areas where community action programs are not in effect.

In developing policies and programs giving increased attention and emphasis to rural poverty, the Director is urged to initiate a varied and imaginative approach. For example, encouragement might be given to existing community action agencies, where feasible, to expand their geographical boundaries to include poverty-stricken rural areas. In addition, there could be an active program to provide technical assistance to rural areas where community action agencies do not exist. This program should include sufficient personnel to stay on the job with the residents of the area until a viable community action agency is formed. The Director is encouraged to provide such technical assistance

under contract to outside private corporations if he determines that this is the most feasible approach.

A further amendment to section 211 would provide for the independent funding of a public or nonprofit agency where the Director determines that an independently funded program may help ease conflict or provide more operating efficiency or be more economical. Such funding would be authorized only when the agency involved operates programs of a limited scope and does not have broad comprehensive community representation on its policymaking board.

The committee also has given the Director authority to contract with independent public or private nonprofit agencies for the conduct of projects which are of a regional nature where such projects can be operated more efficiently as regional projects.

Mr. DIRKSEN. Mr. President, I yield 2 minutes on the bill to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, at the very beginning of the establishment of the Office of Economic Opportunity and the so-called war on poverty programs, I have been skeptical as to their effectiveness and fearful that such free use of millions of Federal dollars would invite not only waste but corruption and fraud.

Here, today, we are considering a bill, S. 3164, which is supposed to provide for continued progress in the Nation's war on poverty.

Mr. President, there is much evidence that the Office of Economic Opportunity has been grossly negligent in using prudence and keeping close check in the allocation and use of Federal money entrusted to it. In some cases, the situations have been scandalous and have cast a dark shadow upon the entire program.

When I make inquiry to the Office of Economic Opportunity concerning some of the shameful incidents of waste and corruption, I am given an evasive answer that the responsibility rests with those administering the local programs. Obviously, a responsibility does rest at the local level, but the prime responsibility rests with those in the Office of Economic Opportunity who allocate the Federal money and who approve the funding of local programs.

Mr. President, it is high time that the Office of Economic Opportunity rid itself of these loose and wasteful practices and also rid itself of those who fail to adhere to sound and prudent principles in allocating Federal money to carry out these programs.

One of these Office of Economic Opportunity-sponsored programs is known as the community action for youth in Cleveland, Ohio. Since February 1966, Office of Economic Opportunity has funded this program in the amount of \$695,913. Prior to that time, it was funded through the U.S. Office of Juvenile Delinquency in the sum of \$2,829,458.

Mr. President, an examination of the looseness in the manner in which the Office of Economic Opportunity applies its stewardship over Federal money, and how it "passes the buck" when corruption is found, is illustrated in a series of articles which appeared recently in the Cleveland Plain Dealer, of Cleveland, Ohio.

I ask unanimous consent that this series of articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cleveland (Ohio) Plain Dealer, Sept. 13, 1966]

CLERK WHO WASN'T THERE ON CAY PAYROLL FOR \$1,632

(By Doris O'Donnell and William F. Miller)

Community Action for Youth (CAY), a multimillion-dollar Hough antipoverty project, paid \$1,632 to a mystery employee whose existence cannot be established, The Plain Dealer learned yesterday.

Raphael O. Lewis, director of CAY, said the circumstances indicating a fictitious woman employee was on the payroll have been investigated by the Federal Bureau of Investigation. The matter was turned over to the regional office of the U.S. Department of Health, Education and Welfare in Chicago and to a bonding company.

"I'm in a real vise," Lewis said. "The situation (related to the investigation) is very unclear."

Plain Dealer reporters learned that in March, Lewis asked the FBI to investigate a payroll account showing the woman employee had been paid eight checks. No trace of such a person could be found on social security records, it was said.

Meanwhile, reporters learned also that two members of CAY's board of directors have been employed on a project administered by CAY this summer. Funds were supplied by the U.S. Department of Labor to help underprivileged youth.

"That is a conflict of interest," said Ralph W. Findley, director of the Council for Economic Opportunity in Greater Cleveland, which now has jurisdiction over CAY.

Findley also disclosed that he expects a report from a team of Chicago-based federal poverty program "evaluators" who have been studying the CAY operation for "a week or 10 days recently."

Findley added that when his OEO office took over the CAY operations in February, an accounting firm audited CAY's books. CAY will receive \$700,000 in antipoverty funds this year.

Findley said he became aware recently that there was an investigation of CAY payroll records. He said he believes any irregularities should be turned over to local law enforcement offices since CAY is an Ohio corporation.

The "mystery" employee was identified on CAY's payroll as "Ellen McCulloh, 626 McKinley Avenue, Akron, O." She reportedly worked in CAY's data processing department.

It was learned that "Ellen McCulloh" was listed as an employee hired to obtain confidential information from Juvenile Court records for a CAY research project. The name was carried on CAY's payroll from May 27, 1965, to Oct. 8, 1965, or 95 days. Payroll records showed earnings were \$2.50 an hour for 653 hours.

During this time, eight checks were issued by CAY, which were endorsed by an "Ellen McCulloh." The eighth check was endorsed also by a former CAY supervisor, Larry A. Weber.

Weber, records show, also approved the payroll sheets.

Weber, 29, of 1291 DeWitt Avenue, Akron, at the time was head of CAY's data processing department.

Lewis said yesterday that Weber resigned from his \$11,500-a-year post earlier this year.

Until last February, CAY had obtained its funds under the federal Juvenile Delinquency

and Youth Offenses Act which supplied nearly \$3 million to CAY since its founding in 1963.

Since February, CAY has been funded by the U.S. Office of Economic Opportunity, which administers the antipoverty program.

CAY's books were audited after the transfer from one jurisdiction to another.

Lewis said he did not know the status of the "Ellen McCulloh" investigation since it was turned over to the bonding company. He said all CAY employees are bonded. CAY employs 69 persons.

"We traced the matter as far as we could within the office," Lewis said. "Then we took it to the FBI. We did not receive a report from them."

The Plain Dealer learned that after their investigation, federal authorities ruled the matter was outside their jurisdiction since CAY is a nonprofit Ohio corporation.

Lewis said his own investigation disclosed that the data processing project, which involved obtaining the Juvenile Court records, was supported by "private funds and federal funds."

"The bonding company is handling this now," Lewis said.

CAY, before it became part of the poverty program, received matching support from local agencies, including the city of Cleveland.

Edward C. Knuth, city finance director, and chairman of CAY's finance committee, said the "matching funds" are not cash but services.

Lewis said he has not talked with Weber about the payroll matter and that CAY has "secured \$700 in funds" belonging to Weber. Ordinarily, employees who leave CAY collect their federal pension funds. Weber has not, Lewis said.

Juvenile court statisticians said they did not remember anyone named "Ellen McCulloh" gathering records from their files for a CAY project.

When he was asked about "Ellen McCulloh," Weber told reporters: "I have nothing to say. I have not been contacted by anyone about any investigation. I don't want to discuss it." He was asked about the matter last week.

Alvin G. Cohen, an attorney with the Chicago regional office of HEW, said that HEW did not provide the grant or money for CAY and he was without any authority to pursue the case of the "mystery" clerk. He said the information from CAY was sent to Washington.

Lewis, 40, was named director of the CAY project in April 1964, at a salary of about \$19,000 a year.

CAY was originally directed by M. David Austin, who had worked with many Cleveland social agencies. Its original goal was a four-year, \$12-million program. Over the years, the program has altered as programs have been dropped, expanded or merged with other plans.

[From the Cleveland (Ohio) Plain Dealer, Sept. 13, 1966]

CAY DIRECTORS ON PAYROLL; POSSIBLE "CONFLICT" DEBATED

Two board members of Community Action for Youth (CAY) were on CAY's payroll this summer as director and assistant director of a 10-week, CAY-sponsored Hough area project, it was learned yesterday.

The two are Edward L. Cabell, who was director of CAY-Jet and DeForest Brown Jr., his assistant.

Ralph W. Findley, director of the Council for Economic Opportunity in Greater Cleveland, who is also a board member of CAY, said he did not know that the two men were on the payroll this summer. CAY now is under the jurisdiction of the council, which handles the antipoverty program here.

"That's always bad," Findley said. "That's conflict of interest." He added that "there are other people available and qualified."

Raphael O. Lewis, director of CAY, disagreed with Findley.

"There is no possible conflict of interest," Lewis said.

"The two board members were chosen for the summer project because they intimately knew the Hough neighborhood and its people," Lewis said. "They did a wonderful job there."

Lewis said the summer project in July and August was sponsored by a Department of Labor grant.

During this period there were no CAY board meetings, Lewis said. Thus the two men did not vote on any matter involving the project, he commented.

Cabell said he had written a letter to the board last June asking permission to take on the project to get some on-the-job experience so he could better serve CAY. The approval was given by the board, Cabell said. He added there was no conflict of interest.

Brown said he received just over \$3 an hour for a 20-hour work week while on the project. Cabell said he received the equivalent of what a director makes for CAY, which was more than \$3 an hour. He would not reveal his salary.

Brown said he resigned from the board last week to take a full-time job as a neighborhood service worker with CAY. He started his new duties yesterday.

The controversy over a possible conflict of interest at CAY is similar to the problem encountered by another East Side federally project, the Manpower Advancement Program (MAP).

Five board members of MAP received fees for business dealings with that program. A Department of Labor official recently recommended that the five members resign for the good of the program.

The CAY jet project involved 80 Hough area teenagers who worked without pay during the summer organizing activities at East Side playgrounds. They also tutored youngsters in their school remedial work and distributed health literature.

The program was considered a success by the labor department and may be used as a model program in other parts of the country.

[From the Cleveland (Ohio) Plain Dealer, Sept. 14]

CAY MYSTERY CLERK IS PUZZLE TO MANY
(By Doris O'Donnell and William F. Miller)

The "mystery" woman on the 1965 payroll of Community Action for Youth (CAY) remains a puzzle to the U.S. Office of Juvenile Delinquency in Washington, D.C., to a bonding company and to an Akron woman.

The Plain Dealer disclosed that an "Ellen McCulloh" received eight paychecks for a total of \$1,632.50 from CAY between May and October, 1965. She was listed as a clerk, residing at 626 McKinley Avenue, Akron.

Mrs. Alva Southern, who has lived at that address, a four-room home on Akron's West Side for 25 years, told The Plain Dealer: "I never heard of her."

Neighbors of Mrs. Southern also said they never heard of a woman by the name of "McCulloh." Mrs. Southern lives alone.

Mrs. Southern said she never received any mail from CAY for the woman supposedly employed by CAY.

Raphael O. Lewis, director of CAY, said he had turned the matter of the fictitious payroll over to the W. F. Todd Associates, which bonds CAY employees.

That was 10 days ago, shortly after the Plain Dealer began its investigation of "Ellen McCulloh."

Harold Eldlin, a spokesman for the Office of Juvenile Delinquency in Washington, told the Plain Dealer that "we are aware of what happened at CAY."

"Our position is that it is a CAY matter," Eldlin said.

During the period when "Ellen McCulloh" was earning CAY funds for gathering confidential information from Juvenile Court records, the CAY project was funded by the juvenile delinquency agency.

In February, 1966, CAY became an arm of the Council for Economic Opportunity in Greater Cleveland, headed by Ralph W. Findley. CAY, however, began as a projected four-year 12 million dollar juvenile delinquency program in 1963. It is a nonprofit Ohio corporation.

"We are awaiting an investigation by the bonding company," Eldlin said.

Charles M. Werdon, claims manager for the National Union Fire Insurance Co., the bonding firm for CAY employees, said that CAY filed a claims loss 10 days ago.

Werdon said: "It is up to CAY to produce records to substantiate proof of loss."

The agent said if the claim is valid, the loss would be paid by his firm, and then his firm would attempt to recover the funds.

The Plain Dealer investigation disclosed that the mystery woman's name was on worksheets of CAY's data processing department. The supervisor was Larry A. Weber of Akron, who resigned from CAY earlier this year.

Lewis said CAY is holding as "secured funds" against the \$1,632 loss about \$700 of Weber's federal pension funds. Lewis said Weber has not claimed the money, which was deducted from Weber's \$11,500-a-year CAY salary.

Eldlin said a final audit of CAY's accounts is being made.

"CAY is accountable for any alleged misuse of funds," he said.

Asked if Washington would make stronger demands on CAY to pursue the investigation more vigorously, Eldlin said: "We are concerned. We have asked CAY to proceed. We are satisfied with that."

A CAY bookkeeper, The Plain Dealer learned, discovered the mystery employee when he could not locate a social security number for her.

[From the Cleveland (Ohio) Plain Dealer, Sept. 14, 1966]

BRUERE FIRES NEW SALVO AT CAY

The Rev. John Bruere, pastor of Calvary Presbyterian Church, E. 79th Street and Euclid Avenue, said reports of a fictitious person on the payroll of Community Action for Youth is "typical of its inept operation."

Rev. Bruere has been critical of CAY's budgeting and in the past has raised questions about CAY's "excessive costs."

The minister, while not a member of CAY's board, is a member of the board of the Council for Economic Opportunity in Greater Cleveland, which now has jurisdiction over CAY.

"If the American community," Rev. Bruere said, "tolerates the operation that CAY has been, we're at the end of the rope. You try to get housekeeping funds for the city of Cleveland without success, but you can squander millions here."

The minister has questioned the payment of \$19,000 for the rental of CAY's headquarters at 1837 E. 79th Street and other items of expense on its budget.

He said Raphael O. Lewis, CAY's director, "just verbalizes and has no thought content" in the administration of CAY as an antipov-erty project.

[From the Cleveland (Ohio) Plain Dealer, Sept. 15, 1966]

THIEVES FIND CAY EASY PICKINGS

(By Doris O'Donnell and William F. Miller)

An array of expensive office machines and equipment—enough to equip a good-sized

business office—has been stolen from headquarters of Community Action for Youth (CAY) in the past three years.

Thieves have struck more than two dozen times and made off with property valued at \$13,000 to \$20,000. No suspects have been found and no arrests made. One typewriter was recovered.

The stolen equipment includes 27 typewriters, three electric calculators, a copying machine, four record players, three adding machines, three electric clocks and three electric fans.

CAY's preschool nursery even lost an aquarium with fish.

Plain Dealer reporters, checking police department files of CAY's reported losses, found that 24 typewriters were stolen between April and September this year.

The most recent theft report, made to police Tuesday, said that "sometime between 5:30 p.m. and 6:30 p.m. on Sept. 10, two Underwood typewriters" were taken from CAY offices, 1835-37 E. 79th Street, in the Hough area.

The report added there were no signs of forcible entry, that the items were not insured. There were no suspects.

The report concluded: "Theft apparently by a trespasser."

In police files, reporters found complaints from CAY personnel of stolen personal property, damage to property, broken windows, shots fired into windows and other acts of vandalism over a three-year period.

On Monday, Raphael O. Lewis, the director of CAY, a federally funded antipov-erty project, said: "We've had a very bad siege of break-ins and robberies. Mainly typewriters are taken."

Lewis explained that CAY's 69 employees occupy a former apartment building that lacked adequate security locks on doors and windows.

Police records, based on statements from CAY administrators, show a pattern for the mysterious disappearance of property and equipment.

Each of the 31 loss reports indicates that the thievery occurred after 5:30 p.m. and before 8:30 a.m.

Lewis said CAY has tried a guard system and that employees return at unexpected hours to patrol the building.

The property, listed as missing in police files, was stolen from the original CAY headquarters at 1959 E. 79th Street in 1964 and 1965 and more recently from CAY's building at 1835-37 E. 79th Street. (CAY's preschool nursery at 1966 E. 82nd Street and its extension service office at 1610 Lexington Avenue N.E. also have been targets.)

Lewis has told a Cleveland Police Department official that the equipment is not insured.

A CAY spokesman confirmed that CAY's trustees, under the chairmanship of Cuyahoga County Commissioner Frank M. Gorman, voted against insurance because of high rates in the Hough area.

However, the CAY spokesman said, "We have strict inventory controls and report the losses to OEO." OEO is the U.S. Office of Economic Opportunity.

The Council for Economic Opportunity in Cleveland is the OEO agency which has been funding CAY since February 1966.

Reporters asked police whether the Federal Bureau of Investigation has been notified of the thefts from federal property.

A sign posted on the CAY doorway states: "Federally sponsored project. Contents of this area belong to the United States Government."

A CAY official, police said, has notified them by telephone that CAY is an Ohio corporation outside federal jurisdiction despite its federal funding.

Thefts from CAY's nurseries were minor but included tuberculosis test kits, toys and cookies.

A police official said rarely does the kind of equipment stolen from CAY turn up in Cleveland pawn shops. He said it is generally "fenced" in other cities and in other states.

Lewis could not be reached yesterday for comment. He had said on Monday that he was working on a "security room" idea to combat the thievery. He has tried locking items in closets without success, he said.

[From the Cleveland (Ohio) Plain Dealer, Sept. 15, 1966]

LONG LOOK AT CAY NEEDED

There is evidence of startling laxness in administrative procedures and personnel supervision in the federally financed Community Action for Youth (CAY) antipoverty program here and the situation warrants the most searching scrutiny.

In Plain Dealer stories this week, reporters Doris O'Donnell and William F. Miller have disclosed that:

A mystery employee, whose existence has not been established, drew salary for nearly four months on a CAY records project.

Many thousands of dollars worth of costly but uninsured office equipment has disappeared from CAY headquarters.

The salary payment represents a theft of taxpayers' money.

The disappearance of office equipment represents a theft of taxpayers' property.

Both thefts also raise a serious question as to how they could have been allowed to happen.

The happenings in Cleveland are not the first to demonstrate laxness in the administration of federal antipoverty programs, as many news stories from around the nation have shown. Unfortunately, the good works of agencies charged with responsibility for administering public funds are too often obscured by incidents reflecting careless supervision.

In the case of CAY's fictitious employee, reporters O'Donnell and Miller found that salary totaling \$1,632 was paid to "Ellen McCulloh, 626 McKinley Avenue, Akron" from May 27 to Oct. 8, 1965. The mysterious "Ellen McCulloh" cannot be found in person or in Social Security records. Nor can such a person be remembered in the places where she supposedly performed her duties.

In the case of the disappearing office equipment, only one of 28 missing items has been recovered. No persons have been prosecuted for theft.

Disappearance of the office equipment was reported to police at the time of occurrence. But not until five months after "Ellen McCulloh" left the CAY payroll was an FBI investigation requested by CAY. And it was not until after reporters O'Donnell and Miller began their own investigation that CAY notified the bonding agent for CAY employees that something was wrong.

Both the U.S. Office of Juvenile Delinquency, which supplied funds for CAY at the time of the "Ellen McCulloh" employment, and the U.S. Office of Economic Opportunity, which now provides funds for CAY, have been made aware of the strange case. They say it is a matter to be pursued by CAY itself. Their viewpoint is supported by federal authorities who have ruled that the matter is outside federal jurisdiction because CAY is a nonprofit Ohio corporation.

In the absence of a power to prosecute, and with federal funds involved, it would seem that federal agencies would have an obligation to press vigorously for a speedy and thorough examination of all the happenings at CAY.

Persons responsible for theft of taxpayers' money and property should be found and prosecuted. When prosecution cannot be carried out at the federal level, it certainly can be accomplished at the local level through officers of the city and county.

[From the Cleveland (Ohio) Plain Dealer, Sept. 16, 1966]

CAY WON'T TRY TO RECOVER LOSS

(By Doris O'Donnell and William F. Miller)

Cuyahoga County Commissioner Frank M. Gorman, who also is board chairman of Community Action for Youth (CAY), bluntly conceded yesterday that CAY planned no further official action to recoup the salary paid to a mystery woman on CAY's payroll.

"We're not going to do anything about it," Gorman told The Plain Dealer. "It's up to the bonding company. Look, we've got what looks like someone taking money. We notified the FBI. That's the last I ever thought about it."

The Plain Dealer disclosed on Tuesday that an "Ellen McCulloh" of Akron, O., was paid \$1,632.50 in 1965 to gather confidential research records for CAY from juvenile court. She was listed as an employee of CAY's data processing unit, formerly headed by Larry A. Weber, also of Akron.

After The Plain Dealer began checking into the matter, CAY's director, Raphael O. Lewis, notified the company that bonds CAY employees of the \$1,600 loss.

Gorman said the mysterious employee was found "because Price & Waterhouse, an accounting firm, was checking it, and we found one check made out to Ellen McCulloh was endorsed by Weber."

Gorman said the matter was turned over to the FBI and that as far as he was concerned "the district attorney never mentioned it to us."

Reporters learned that an FBI report was made last March and that the attorney's office ruled that the CAY was outside federal jurisdiction. CAY, the federal attorney's office, said is a nonprofit Ohio corporation.

CAY is funded by the Council for Economic Opportunity of Greater Cleveland, the antipoverty agency here, and will receive about \$700,000 for 1966.

Asked whether CAY's board of trustees intended to pursue the investigation, Gorman said: "I think we should bring action against the bonding company. I have great confidence in CAY."

"I'm going to tell Mr. Lewis to get the money back. I don't conceive of it as my duty."

"We don't know today whether the person—this McCulloh—was wholly fictitious or not. There were some figures which Weber said were supplied by this woman."

Weber has refused to comment on the matter.

"Someone should investigate this," Gorman said. "I don't know who it is. We should recover the money. It's up to the bonding company."

Asked why Lewis waited as long as he did to report the case to the bonding firm, Gorman said: "Maybe Lewis was a little negligent in notifying the bonding company."

Gorman also was asked whether the estimated \$13,000 to \$20,000 worth of business machines and typewriters stolen from CAY offices in the last three years is federal property. Gorman replied: "I'm sure it can be determined."

"In the Weber matter," Gorman said, "the research department was 100% federally funded. I have no opinion on the equipment. The books are public records. You are entitled to look at public records."

The equipment was not insured.

Gorman said he was not at the CAY board meeting when insurance rates for thefts coverage were discussed but he said that Lewis reported only "Lloyds of London would insure us." A CAY spokesman could not find minutes of the insurance discussion and the decision not to insure equipment was not a matter of formal board action.

"Lewis said the rates would have been more than what was lost in equipment," Gorman said.

The question of prosecution in the payroll case was also discussed with Gorman.

"I don't see any spilled milk to cry over, but I asked Lewis to have the bonding company call me to see whether it recommends prosecution," Gorman said.

Gorman charged the newspaper articles on CAY are attempts to "get Lewis and CAY."

"What do you want me to do?" he said. "Fire Lewis?"

There are 10 CAY board members identified as sponsors and 11 members at large.

[From the Cleveland (Ohio) Plain Dealer, Sept. 17, 1966]

CAY PAYROLL'S MYSTERIOUS "ELLEN" IS LINKED WITH EX-AID'S WIFE

(By Doris O'Donnell and William F. Miller)

The name "Ellen McCulloh," apparently used to pad a payroll, is the same as the maiden name of the wife of a former supervisor for Community Action for Youth (CAY), it was learned yesterday.

Neither the FBI, CAY nor The Plain Dealer has been able to trace the name "Ellen McCulloh" to anyone who actually worked for CAY.

CAY paid out \$1,632 in salary checks in that name.

The supervisor who put the name on his payroll at CAY is Larry A. Weber, 1291 Dewitt Drive, Akron.

The Plain Dealer learned yesterday that his wife's full name is Joanne Ellen McCulloh Peerman Weber.

Her maiden name was Joanne Ellen McCulloh. She was married to a man by the name of Peerman before marrying Weber.

It also was learned that the address listed on payroll records for the woman, in Akron, was that of an aunt of Weber's wife, the former Ellen McCulloh.

Weber had been CAY's supervisor in charge of data processing at the time the name appeared on the CAY payroll. He quit his \$11,500-a-year job in February.

CAY payroll checks were payable to an "Ellen McCulloh" for the period from May 27 to Oct. 8, 1965.

The address listed for "Ellen McCulloh" was 626 McKinley Avenue, Akron, the residence of Mrs. Alva Southern.

Earlier this week, Mrs. Southern told reporters she had never heard of "Ellen McCulloh."

Yesterday she told a reporter that she has a niece named "Joanne McCulloh" but that she had never known the niece as Ellen.

Former employees of CAY's data processing department told The Plain Dealer they had never known or seen an "Ellen McCulloh."

One former employee said he had met Weber's wife, whose first name was Joanne at the Weber home in Akron.

A routine investigation in CAY's financial records, made in March, brought about the search for an "Ellen McCulloh."

At that time CAY was in the process of transfer from the U.S. Department of Health, Education, and Welfare to the Council for Economic Opportunities in Greater Cleveland, the antipoverty agency here.

CAY's bookkeeper, at that time, was unsuccessful in tracking down a Social Security number for the woman listed as a clerk. Registered letters, sent to several Akron addresses, were returned, including one sent to 626 McKinley Avenue.

Finally CAY's director, Raphael O. Lewis, asked the Federal Bureau of Investigation to look into the matter.

Lewis has said the FBI never reported back and that he was left with the impression that the U.S. attorney's office here had ruled CAY was not an agency of the U.S. government but a nonprofit Ohio corporation and that the FBI, therefore, had no jurisdiction.

The assistant U.S. attorney who reportedly made such a ruling told The Plain Dealer

yesterday there is nothing in writing to substantiate the report. The attorney recalled that some time ago "somebody making an audit of CAY had called and that the matter might have come up."

No final determination on jurisdiction was made, he said.

After reporters recently began trying to locate the woman on the CAY payroll, Lewis notified CAY's bonding company of the payroll loss.

Lewis and Frank M. Gorman, Cuyahoga County commissioner, who is chairman of CAY's trustees, maintain that any further investigation is the duty of the bonding company.

The mystery of "Ellen McCulloh" was first disclosed earlier this week.

Yesterday, The Plain Dealer received a tip that the woman was Weber's wife.

This led to a check of records in the Summit County courthouse in Akron.

Reporters found records there which show that Larry Allen Weber married Joanne Ellen Peerman, on May 30, 1964. She previously had been married to Jimmie F. Peerman at age 19 on September 7, 1957. At the time of her first marriage, she listed her name as Joanne Ellen McCulloh of Tallmadge, Ohio. She is a graduate of Tallmadge High School and a former B. F. Goodrich Co. secretary.

When a reporter called at the Weber home, Mrs. Weber said she had been advised by counsel "not to say anything."

Her lawyer is George Pappas of Akron, former assistant Summit County prosecutor.

Weber has declined to comment on the matter. He reportedly has a job that takes him out of Akron during the week.

Weber has identified himself as a data processing consultant and formerly was associated with a business machine firm.

Mrs. Weber's father, Harry J. McCulloh, 140 S. Thomas Road, Tallmadge, confirmed he has a daughter named "Joanne Ellen McCulloh." He has not seen his daughter in six years and has never met Weber, he said.

His daughter always used the first name of "Joanne," he said.

Pappas could not be reached for comment.

Mr. CLARK. Mr. President, I yield 3 minutes on the bill to the Senator from Connecticut [Mr. Dodd].

Mr. DODD. Mr. President, the war on poverty is probably the most ambitious and imaginative domestic program ever undertaken in this country—ambitious in the depth and breadth of the problems it seeks to solve; and imaginative in the bold, new approaches it employs in helping poor and less fortunate citizens to break out of the cruel and self-perpetuating poverty cycle.

While it represents a new concept in Federal assistance, the program draws its basic strength and its design for success from the traditional, proven American principle of self-help.

Certain critics of the poverty program have argued and complained that it is only an extension of the old welfare program, and as such only a mammoth system of handouts.

This is exactly what the poverty program is not. The entire philosophy and operating principle of the program is to help deprived persons become completely self-sufficient, through basic education, vocational training and steady employment.

The ultimate effect of the Job Corps, the Neighborhood Youth Corps, adult education, Headstart, and other programs we are considering today will be to enable hundreds of thousands of citizens

to become productive members of our society.

Certainly this will result in a reduction in the relief rolls and the welfare budget, not an expansion.

Admittedly, there have been problems, and serious ones, during the first 2 years of the Economic Opportunity Act. I believe this is due in part to the very wide scope of the program and the new concepts it employs.

These are administrative problems, however, and while errors have been made we have learned many valuable lessons since 1964. Serious study and consideration have been given the valid criticisms of the program, and the legislation before us today seeks to correct the earlier difficulties.

In no instance should the administrative problems encountered in the infant years of a historic new program be allowed to discredit the entire effort. To abandon it might well destroy the only real chance which a sizeable segment of the American population has ever had to rise out of the quagmire of slum life.

The war on poverty is a war on waste—the waste of human resources, of ignored potential, of undeveloped talents, of unrealized contributions to the economic, social, and cultural fabric of American life.

And if we do not pursue a positive course, but fight only a defensive rather than an offensive war, we will perpetuate existing poverty, and we will add to the burdens which the rest of the American public must bear in the form of higher taxes, increased juvenile delinquency and crime, burgeoning relief rolls, and dead end welfare programs.

For this reason, I am fully behind the poverty program. I particularly support the proposed expansion of the community action program, the Neighborhood Youth Corps, VISTA, and Headstart which have effectively utilized the knowledge and experience of local governments and local agencies and organizations.

I support the broader and more comprehensive bill reported by the Senate committee, which would authorize \$2.46 billion for the war on poverty as opposed to the \$1.75 billion approved by the House. And while I do not object to certain changes offered to streamline its operation, I am opposed to any amendments which would substantially weaken or cut back the program.

It would probably surprise most people to know that in Connecticut, one of our most prosperous and advanced States, almost 10 percent of the families had a poverty level income of less than \$3,000 in 1960.

The record already made by the poverty program in Connecticut in this brief period demonstrates the value and effectiveness of the program and argues forcefully for its continuation.

In fiscal year 1966, Connecticut received a total of \$13,106,401 in Federal grants under the Economic Opportunity Act. More than three-fourths of this went to more than half of the State's 169 towns.

Last summer, 5,000 Connecticut children were enrolled in the Headstart

prekindergarten program. These children from low-income families were not only afforded a desperately needed preschool experience, but were also provided medical and dental attention they might never have had otherwise.

This summer 1,600 boys and girls of high school age were employed in Neighborhood Youth Corps projects, and thus had the chance to earn regular wages on a regular job in their various communities.

Any high school teacher can tell the tragic story of students from poor families who have great academic potential but neither the financial means nor the motivation to pursue their education. Through grants to Connecticut universities and other schools, Project Upward Bound sought to supplement the social, cultural, and educational background of deprived high school students, and hopefully encouraged many to go on to college.

During the year, more than 5,000 Connecticut adults were enrolled in basic education programs, and more than 200 heads of households were actually transferred from welfare rolls to full-time jobs in industry after taking part in work-training programs.

In addition, supporting programs offered disadvantaged persons services never before available, such as legal counseling, health care, and family and business loans.

All of this was accomplished by the Connecticut Office of Economic Opportunity, which operated at a cost of only \$35,000.

The total experience in my own State, and in other States around the country, is one which fully justifies continuation and expansion of the poverty program.

To those who say the cost is high, I need only to point out that the estimated cost to the Government of one career of juvenile delinquency runs as high as \$100,000. Certainly this is financially and socially much more costly than preventive action.

In the long run we cannot afford not to do something to eliminate poverty itself and its resultant problems of unrest, frustration, and crime.

I hope my colleagues join me in supporting prompt approval of the Senate bill.

Mr. PELL. Mr. President, in voting to report out the poverty bill, I did so in recognition of the fact that there have been too many instances where poor judgment has been exercised and maladministration has occurred. I realize, also, and regret the large amounts of money authorized, but I regret even more the conditions of poverty, illiteracy, and unemployability that still plague our country and that require strong remedial action.

To my mind, this is a capital investment program which seeks to eliminate the miserable cycle of poverty and lack of motivation which has affected many segments of the American population for generations. This is not a welfare or palliative program—it seeks to be a remedial or curative program. And, hence, while expensive in the short run, it can save our taxpayers a great deal

of money in the long haul, both by getting families off relief and welfare, and by increasing our national productivity.

Because I am concerned about the growth of bureaucracy in administering the program, the so-far limited results, and the serious question of whether the people who most need the help are truly getting it, I strongly recommend that there should be a study in depth by a disinterested, clearly objective organization on the administration of the entire program in order to increase its efficiency and effectiveness in attaining our objectives. I believe there should also be an in-depth legislative investigation of the whole program early in this coming Congress, and, thereafter, close and continuing legislative security.

The objective here is a big one—the elimination of poverty and illiteracy in the United States—and when one is dealing with big objectives, there are bound to be errors. All told, I believe that the Office of Economic Opportunity is moving ahead in the right direction and that for every error that is made there are far more successes and steps forward.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be stated for the information of the Senate.

The legislative clerk read the amendment as follows:

On page 18, line 21, strike "\$2,496,000,000" and insert in lieu thereof "\$2,100,000,000."

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes or less.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, it is my belief that the sum reported by the committee on the pending business is much too high considering the President's budget request.

It is my understanding that this year the President added \$250 million for the Office of Economic Opportunity in excess of that which was granted last year.

It is my further belief that it is about time the Senate did not surrender to the President all the responsibility for cutting the excesses over his budget request, and I would hope, therefore, that the Senate, in its wisdom, and in its good judgment as well, would agree to accept the amendment which would reduce considerably the amount reported by the committee.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield me 3 minutes?

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

REASONS FOR LIMITING POVERTY PROGRAM AUTHORIZATION TO THE AMOUNT REQUESTED BY THE ADMINISTRATION

Mr. SYMINGTON. Mr. President, now and again we see an automobile tag which proclaims with pride "I fight the war on poverty. I work."

This but illustrates the fact that for most Americans working is the rule rather than the exception. But we also recognize that many citizens in this country are so disadvantaged by way of environment, education, and training that, without assistance, they will never be able to win their own war on poverty, in this increasingly complex and technical society.

An environment which creates poverty has a way of perpetuating itself; and unless the chain is broken, it is a problem which can only worsen. That is perhaps the chief reason why I support the concept of the national effort now being made.

Given the basic concepts of the poverty program, spectacular results could not be expected during the first 2-year period of its existence. There have been mistakes in administration and errors in judgment. But there has also been a significant impact on many communities, rural as well as urban, throughout the country.

The bill now before the Senate would authorize \$2.496 billion for these programs, \$746 million more than requested by the administration and so authorized by the House. As I understand it, this breaks down to \$196 million more for the Neighborhood Youth Corps, \$150 million for a special impact program, \$400 million more for the community action program, and \$5 million more for VISTA.

Undoubtedly these additional amounts would be useful in attacking this critical domestic problem. Unfortunately, however, the amount of funds authorized cannot be determined wisely on the basis of need and desirability alone. As they are reviewed, consideration should be given also to the growing fiscal and monetary problems of the United States, especially in connection with the heavy ground troop expansion in Vietnam.

In considering the amount to authorize, we should also recognize the problem of adequate living standards for the tens of millions of men and women in this country who rely on fixed incomes, including those who depend on life insurance, pensions, retirement plans, social security, and so forth. Millions of these Americans who depend on fixed incomes live just above or below the poverty line.

For them, and accordingly for the Nation, nothing could be more important than protecting further deterioration in the purchasing power of the dollar.

For such reasons, although I support the poverty program, I will do so at the level of the request of the administration; and therefore will vote for the proposals to keep the authorization within the budget request, including the motion to recommit this bill, with instructions to report it back with the total authorization not in excess of the administration's request of \$1.750 billion, also the amount passed by the House.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. As floor manager of the bill, I am permitted to yield time in opposition to the amendment is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CLARK. How much time does the Senator from New York [Mr. JAVITS] want?

Mr. JAVITS. I do not want to speak in opposition, so I do not think I should speak on the Senator's time.

Mr. DIRKSEN. I yield 2 minutes to the Senator. I have hours on the bill.

Mr. JAVITS. Mr. President, the Senator from Illinois [Mr. DIRKSEN] is willing to yield me 2 minutes.

Mr. DIRKSEN. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes on the bill.

Mr. JAVITS. Mr. President, I did not come to the Senate floor prepared to vote for any cut in this bill. I had hoped that the amounts provided in the bill as reported to the Senate would be retained, because I think every item in it will stand up to the debate and arguments. But since the bill has been before the Senate, I have come to the view that it is bound to be cut. I am deeply afraid that the cut which may be made would weaken the legislation and take the heart out of the antipoverty program, and feel that if there should be a cut, though undeserved, it should be one with which we can live.

Speaking for myself, I think the majority leader has given us a way out of what could be a drastic treatment of the program. He has, on the floor of the Senate, proposed a reasoned cut, one with which we could still have an effective program. It will perhaps prove burdensome to the conferees, but it is far better than a more drastic cut which could be made, and I shall therefore support this amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The Mansfield amendment is not subject to further amendment until all time on it has been yielded back. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. At that time an amendment can be offered?

The PRESIDING OFFICER. Yes.

Mr. DIRKSEN. I put the Senate on notice that I shall offer an amendment at that time, or whenever time has been yielded back.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. My inquiry is whether the Senate did not agree to recognize the Senator from Virginia [Mr. BYRD] at 3 o'clock under the unanimous-consent agreement entered into.

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. Therefore, if all time were not used on the Mansfield amendment, we would have to stop debate on it until the Senator from Virginia got the floor to offer his motion. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I am prepared to yield back my time to bring the matter to a head, if possible.

Mr. CLARK. As far as I am concerned, I shall be ready to vote at 3 o'clock, or at such time before that as we can vote, but a number of Senators have urged me to yield time to them before then.

I now yield 5 minutes to the Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, I oppose the Mansfield amendment. I oppose any cuts in the bill. I respectfully disagree with the Senator from New York [Mr. JAVITS] as to what ought to be our course of action.

We had the committee hearings on the antipoverty bill. We discussed this bill at some length as to what our position should be in the committee and as to what we should recommend to the Senate. We reached a conclusion among a substantial majority that the amounts provided in the bill were justified by the evidence and that the Senate was entitled to have a bill reported to it in the amount that the evidence supported.

Mr. President, it is not my fault that the President has recommended a budget with regard to this program and other Great Society programs that cannot be justified in the interest of the people of the country. It is not my fault that the President is willing to have the war in Vietnam paid for by the poverty stricken and by the schoolchildren in America, and by the Negroes of America who are being denied their civil rights.

It is not my fault that the President has recommended a budget which, in my judgment, denies to Negroes, as Americans, funds which are necessary to emancipate them from the horrible living conditions of the Negro ghettos.

It is not my fault that the President seeks to have us cut the authorizations for needed public works, education, poverty eradicating programs, civil rights, and for that matter his entire domestic Great Society programs.

He is doing it because he obviously is unwilling to face up to the great mistakes he has made and is making in conducting his war in Vietnam. He has been unwilling to propose legislation prior to the election that would tax the American people on their ability to pay what revenue must and should be raised in order to pay for the war.

He has been unwilling to propose legislation that would take the profit out of the war for those who make great profits out of our war economy.

The President ought to be coming before the Congress with a tax increase program that will put the burden of the payment of the war in Vietnam on those who have the ability to pay for it, not on the poor, not on the schoolchildren, not on the deprived.

Therefore, I do not propose to vote to cut this bill, or the education bills which will come up later this week.

Mr. President, in my opinion we are seeing evidence of the fact that Congress has reached the point where it cannot legislate judiciously, reasonably, and responsibly between now and adjournment date. Therefore, my plea is that we ought to recess this week and then come back after the election is over. We should recess and come back after, in my judgment, some sense has returned to the thinking of Congress. We should recess and come back after the American people have voted. We should go home now and listen to the people and then come back one week after the election and pass legislation in an atmosphere of reason rather than election politics.

This Congress, in my judgment, cannot legislate responsibly under the pressure for an adjournment sine die which the leadership is seeking to impose upon us. The American people are entitled to have us take a recess, go home now, listen to the people between now and election day, and then come back within a week after the election and sit down here and consider these pieces of proposed legislation on the basis of the best interests of the Republic. This debate today shows that the Senate is considering this vital bill on the basis of the political interests of the politicians who want to get out of here, get home for the election, and not carry out what I think is their clear responsibility to vote on the basis of the evidence the committee has brought to the floor of the Senate. Senator CLARK has brought to the Senate a bill which should be considered on the basis of the evidence set forth in the hearings before his subcommittee. Our Senate committees have dedicated themselves for weeks to bringing to the Senate reports such as Senator CLARK is bringing to the Senate today, backed up by evidence supporting the amount of money sought to be authorized for the various grant poverty programs. Our committee under the leadership of Senator CLARK is not asking for 1 cent more to be authorized for the poverty program than the evidence supports.

Solving the evils of poverty cannot wait until the war is over.

The poverty-stricken people of this country, the Negroes of this country, the schoolchildren of this country are entitled to have us appropriate the money now to meet the domestic crises, one after another, that have been raising their ugly heads to plague this Republic. Our domestic welfare, security, and tranquility demands the full amount being recommended by the Senate committees who have conducted hearings on these great poverty bills.

So I hope, Mr. President, that we will take a recess, and come back when we really can legislate, in my judgment, as we should legislate, on the basis of the facts before us. The compromises being proposed here today in regard to these budget items, in my judgment, are not in the public interest.

Mr. CLARK. Mr. President—

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CLARK. I have the floor, but I shall be happy to yield to my friend from Illinois for the sole purpose of propounding a parliamentary inquiry.

Mr. DIRKSEN. Oh, it is.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Very respectfully, may I ask, would it not be appropriate and in accordance with custom, under the Senate rules, after there has been recognition on the other side of the aisle, that somebody on the minority side be recognized? Or is it the plan not to recognize the minority until the hour of 3 o'clock, when we have preempted the time for the distinguished Senator from Virginia?

Whether or not the minority has any rights is a fair parliamentary inquiry.

Mr. CLARK. Mr. President, I should like to speak on that parliamentary inquiry.

The PRESIDING OFFICER. First, the Chair would respond by saying there is no such plan by the Chair, and the Chair will endeavor to be as fair as possible in the matter of recognition.

Mr. DIRKSEN. Then I ask for recognition.

The PRESIDING OFFICER. The Chair had already recognized the Senator from Pennsylvania.

Mr. CLARK. Mr. President, does any other Senator wish time in opposition to the amendment? If not, a parliamentary inquiry. How much time is there left in opposition to the amendment?

The PRESIDING OFFICER. There are 23 minutes remaining to the Senator from Pennsylvania on the amendment.

Mr. CLARK. Mr. President, I yield myself such time as I may require in opposition.

Mr. MANSFIELD. Mr. President, I think the Senator should know that I have yielded back all my time.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from Virginia for the purpose of his propounding a parliamentary inquiry, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? No objection is heard, and it is so ordered. The Senator from Virginia will state his parliamentary inquiry.

Mr. BYRD of Virginia. My inquiry to the Chair is this: If the Senator from Montana has yielded back all of his time, does that preclude me from asking the Senator from Montana to yield 2 minutes to me to support it?

Mr. MANSFIELD. I yield 2 minutes on the bill, if the Senator from Pennsylvania has concluded his remarks.

Mr. CLARK. No, I have not even started.

May I say to my friend from Virginia that I shall be happy to yield him 2 minutes on the bill within the next 15 minutes.

Mr. BYRD of Virginia. That is perfectly satisfactory.

Mr. MANSFIELD. Mr. President, would the Senator, in the interests of cooperation, permit this matter to come to a head, and, if the distinguished minority leader wishes to offer his amendment, grant him that consideration?

Mr. CLARK. Mr. President, I should like to say a few words first, before I respond to the inquiry of the Senator from Montana, which I shall do in short order.

Mr. President, the Committee on Labor and Public Welfare has come out with a bill with a total authorization of \$2.496 billion. That sum the committee was and is prepared to defend. As recently as a half hour ago, we had strong support for that sum from the senior Senator from New York, who now, however, indicates he will support the pending Mansfield amendment.

There is a question as to whether it is possible to sustain the amount of the authorization contained in the bill, which is \$750 million more than the President recommended in his budget.

The amount which the committee approved is well below what appeared to be the minimum requirements of the poverty program, as it had been developed in comprehensive hearings before the subcommittee, in markup sessions before the subcommittee and the full committee.

I therefore am most reluctant to agree to any cut in the amount which was brought forward by the committee. I support wholeheartedly the comments made by the Senator from Oregon, and expressed to me privately by many other members of the committee. We have an obligation, as a matter of the conscience of the Senate and as a matter of response to the needs of 35 million poverty-stricken people in this country, not to cut back this program for any alleged budgetary reasons. We should remember, of course, that this is not an appropriation measure, but an authorization measure, and that the Senate, on two occasions this year, has not only authorized but has appropriated money which the Secretary of Defense said he did not want and which the President said he would not spend.

I ask the same consideration for this program to aid the poverty-stricken people of America—give the President the authorization. If he does not wish to spend it, if the Appropriations Committees will not give it to him, let them make that decision. But let the voice of the Senate be on record in support of a war on poverty originated by John F. Kennedy when he was in the White House, and carried on by Lyndon Baines Johnson.

I suggest that the amount of this authorization is really important.

While I myself am opposed to the cut of \$396 million proposed by the majority leader, I know full well that it may be difficult to hold even that amount. But

I make a plea to the Senate—do not cut the bill any further than the majority leader is now prepared—and I think reluctantly prepared—to ask you to do.

I know that before I yield the floor, I am committed to yield to the Senator from Virginia. I know that the minority leader, wise and shrewd in the ways of the Senate, one of our most lovable Senators, with the support of the majority leader, is asking the Senator from Pennsylvania not to buck the "establishment" by preventing the Senator from Illinois from making an effort to cut the bill even further.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. MANSFIELD. I must say that I do not like the reference the distinguished Senator from Pennsylvania has made to the "establishment," and the implication that the minority leader and I have been in cahoots on this proposal. That just is not so. We did try to work out something. We went our different ways. It was my thought that this would be the best way to settle a vexing problem. With the Senator's permission, I should like to propose a unanimous-consent request.

Mr. CLARK. Will the Senator from Montana reserve the request for a moment?

Mr. MANSFIELD. Yes.

Mr. CLARK. Is it not correct that the Senator from Montana, only a few minutes ago asked me to yield to the Senator from Illinois so that he could propose a further cut?

Mr. MANSFIELD. Yes.

Mr. CLARK. That is what I am going to do.

Mr. MANSFIELD. But I wish the Senator from Pennsylvania would not refer to the "establishment"; it creates an impression that we are doing something "under the table." I wish to assure the Senator that we have not and will not.

Mr. CLARK. I recognize that the "establishment" always moves on top of the table, never beneath it.

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania yield once more?

Mr. CLARK. I yield.

Mr. MANSFIELD. The "establishment" is composed of 100 Senators. Do not forget that.

Mr. CLARK. Would that were true. I yield 2 minutes to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, it will be satisfactory to the Senator from Virginia if the Senator from Pennsylvania wishes to yield first to the Senator from Illinois.

Mr. CLARK. Mr. President, I yield to the Senator from Illinois as much time as he may require.

Mr. DIRKSEN. Mr. President, the clock will not meet my requirement if I have to forsake the floor at the hour of 3 o'clock.

A parliamentary question.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Must I yield the floor at 3 o'clock, or may I allocate time to myself under the bill?

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, at the hour of 3 o'clock the Senate will proceed to consider the Byrd motion.

Mr. CLARK. Mr. President, the Senator from Virginia is in the same box that I am—we are in opposition to the majority and minority leaders.

I ask unanimous consent that the Byrd motion may be temporarily set aside until the junior Senator from Illinois has been able to offer his amendment and obtain a vote on it and, if it is rejected, until the amendment of the Senator from Montana is voted on.

The Senator from Virginia can object to the request if he wants to. I hope that he will not.

Mr. SYMINGTON. Mr. President, reserving the right to object, I am to leave the Chamber at about 3 o'clock. I would like to vote on the Byrd motion. Would the unanimous-consent request of the Senator permit me to vote on the motion?

Mr. CLARK. The Senator will have to ask the able majority and minority leaders. I cannot answer the question.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. BYRD of Virginia. Mr. President, reserving the right to object, I should first like to know the contents of the amendment of the minority leader. If it is what I think it is, I do not think I would have any objection. If it is not what I think it is, I might have some objection.

Mr. DIRKSEN. Mr. President, to authentically advise the junior Senator from Virginia, I propose to go back to the budget figure of \$1,750 million.

Mr. BYRD of Virginia. Mr. President, further reserving the right to object, as I understand it, the amendment which will be presented by the distinguished minority leader would reduce the proposed committee authorization from \$2,496 million to \$1,750 million, which is the precise amount of the original budget estimate and the amount authorized by the House.

Mr. DIRKSEN. The Senator is correct.

Mr. BYRD of Virginia. If the amendment of the Senator from Illinois is agreed to, it would do what I intend to accomplish by my motion to recommit the measure to the committee with the stipulation that it be reported back at a figure not above \$1,750 million.

Mr. DIRKSEN. Precisely. And it would not have to go back to the committee.

Mr. BYRD of Virginia. It would be accomplished in a direct fashion.

Mr. DIRKSEN. The Senator is correct.

Mr. BYRD of Virginia. It would accomplish on the floor what otherwise would be accomplished in committee.

Mr. DIRKSEN. The Senator is correct.

Mr. BYRD of Virginia. I do not object.

Mr. MANSFIELD. Mr. President, reserving the right to object, and I do not intend to object, I compliment and commend the distinguished senior Senator from Pennsylvania [Mr. CLARK] for the statesmanship and understanding he has just shown.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Does the Senator from Pennsylvania yield back the remainder of his time on the Mansfield amendment?

Mr. CLARK. Mr. President, I yield back the remainder of my time on the Mansfield amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I offer an amendment to the Mansfield amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 18, line 21, strike "\$2,100,000,000" and insert in lieu thereof "\$1,750,000,000".

Mr. DIRKSEN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Mr. DIRKSEN. Mr. President, I thank the distinguished Senator from the Keystone State for his forbearance and for his sense of equity and fairplay.

We have been working on this matter for quite some time. It is not a matter of pride with me, but rather a matter of carrying out a principle that I have sought to exercise in connection with measures such as the HEW and other bills.

Mr. President, you would not believe, if we were at liberty to tell you, what happened in an hour and 15 minutes, from 3 o'clock until 4:15 yesterday afternoon, when the very distinguished majority leader and I sat with the President and discussed this matter. You should have heard him on the budget. He fulminated like Hurricane Inez. He realized what we are doing to his budget.

We approved a bill in the Committee on Finance this morning. I believe that we added about 50 amendments. It has everything in it except a Baldwin piano and a kitchen stove. The Treasury tells us that we have lowered the revenues by \$600 million.

The Budget Director came before the Committee on Finance yesterday. He said there that he is on a still hunt to find \$3 billion that he could cut out of the budget. Yet, with reckless abandon, we authorize money and spend money here as if it had no value and as if there were no bottom to the barrel.

It is the nonessential expenditure, and not Vietnam, that accounts for the inflationary fever that is in the country today. I am not going to stop my effort to bring an end to it, if I can, and to give the President of the United States a lift.

One of the cardinal principles in my party platform has been economy and a balanced budget. I cannot get out on

the hustings in one State or another—when I get the hardware out of my hip sometime within the next 2 weeks—and fulminate against your party and your candidates and try to make a case without being able to say, "That is what I tried to do on the floor of the U.S. Senate."

This is an unbelievable situation. We are confronted here with what I have described on occasion as an unbelievable boondoggle. I do not retract the statement. I am prepared to establish the truth of it.

I want to vote for the antipoverty bill, and I will vote for it if we restore it to the budget figure. I will accept it at that figure with all its excesses, with all its weaknesses, and with all its defects.

I am still willing to put \$1,750 million on the nose. However, first of all I want to make an assessment of what I think the hearings show as to the graduates of the Youth Corps camps at Camp Atterbury, Ind., and Camp Breckinridge, Ky., or of the Job Corps, and I would not know who they are. I would not know that there was such a list, except that it was furnished to the committee. So, at random, we called up four of the employers yesterday, because the employers are listed. I could have picked others. We do not know who these boys are. The lists appear in the hearings.

The director of the Atterbury Job Corps Center furnished to the committee a list showing the placement of Job Corps trainees, and on page 418 the director of the Breckinridge camp listed the placement of Breckinridge trainees. The Atterbury center listed trainees as having gone into private employment, and indicated the name of the employer and the number of corpsmen employed. The Breckinridge report listed similar information.

To learn how this program worked out, we telephoned—and I guess at our own expense. The first employer indicated that he had employed a Job Corps trainee upon the recommendation of a member of the personnel of the camp, who had been employed with the employer prior to becoming a part of the Job Corps program. The Job Corps trainee, in the words of the employer, "really did not know anything about the subject that he was supposed to have been trained in."

The employer, however, was willing to retain him and attempt to teach him the skill that he supposedly learned at the Job Corps center. However, the Job Corps trainee left before the expiration of 2 weeks of his employment, and they do not know where he is.

Now, that is a great training program. And we spent \$10,000 on that youngster, wherever he is.

Let us now look at No. 2, the second trainee employed at a skill that he was taught at the Job Corps center. He seemed to have, according to his employer, "little interest" in his job, and he, too, remained less than 2 weeks. He is presently employed by another employer, but not in occupation for which he was trained. So that money went down the drain. That money was just thrown into the rain barrel.

Now we come to a trainee from Camp Breckinridge. The employer described the trainee as "irresponsible," and made the observation that in spite of the fact that he came "highly recommended," it was obvious that "his training did not do any good"; that he was sadly disappointed in the Job Corps trainee, particularly since he came so highly recommended. The Job Corps trainee stayed for 2½ weeks, and is now "drifting around the town, doing odd jobs." That is trainee No. 3, whom we picked at random.

Trainee No. 4: The fourth employer indicated that it was the policy of his company, one of the larger companies in the country, to cooperate with the Job Corps training centers in attempting to provide employment for Job Corps graduates. This particular Job Corps trainee was employed in the spring of the year. The manager of the division in which he worked indicated that he worked less than 1 week, before quitting. He lasted 6 days.

So there are 4 weeks and 1 day for these trainees—or just a little more—and the cost was \$40,000 for training.

What about the rest of the graduates from Atterbury and Breckinridge and all these other places? We did not send the employers a letter or a telegram. We made long-distance telephone calls. And that is the net result.

Yes, it was written on the ancient parchments, "By their fruits ye shall know them." And I am afraid that is all too true.

Going a little further, I could read from the record all those lovely things that they said about the security in Camp Atterbury and Camp Breckinridge. Well, the senior citizens had a party, and then, of course, the camp officials got hold of them—the sheriff, the chief of police, everybody. I have all the quotes here. I could read them into the Record, if so disposed, and perhaps I will put them in later, as a part of my remarks.

However, there is another story to be told, and that story I want to tell. But before the time runs out, I want to speak a little about the community action program. Let me give you a jewel.

I have fussed around with the English language for a long, long time—ever since I could babble and climb over the edge of the cradle without getting hurt. Now I read what the Northwest Pasadena Young Adult Project submitted to the Pasadena commission. This would do justice to a Department of Agriculture yearbook.

Thus, the elemental presupposition implicit in the very existence of the agency ab initio is a set of behavior and condition norms and criteria which assign to the client some level or degree of abjection, the abjuration of which is deemed essential to society's well being and progress.

I have to ask Senator MORSE what "abjuration" means. Well, it means to abjure, to push away, to push off to one side. But Senators ought to read this and weep. This is part of the community action program.

Thus, the elemental presupposition—
I wish I could talk like that—

implicit in the very existence of the agency *ab initio*—

That means from the beginning, I suppose—

is a set of behavior and condition norms and criteria—

They use the word "norms" in another country—

which assign to the client some level or degree of abjection, the abjuration of which is deemed essential to society's well being and progress.

Brethren, weep with me as you read about this community action program.

On November 16, the Los Angeles Examiner reported that a part of the recent grant of over \$1 million to Watts, in Los Angeles, included such programs as \$11,500 to survey potentials of improvement. Is that what they need—to survey potentials of improvement? That will do justice to any academician anywhere, any time.

To initiate community centers, \$129,000; \$19,000 to strengthen neighborhood centers; \$146,000 to provide a technical assistance staff to develop war on poverty proposals. I thought they had done that over the last couple of years, and that they had a blueprint to show where the companies and platoons and regiments and divisions were to be deployed in the war on poverty. So they will take \$146,000 to start that over again, in the Watts area.

For neighborhood leadership programs, \$81,000 and \$67,000 to establish decentralized multifunctional information. One just founders in etymology here.

On August 12, the Pasadena Star reported that the Pasadena Community Playhouse had requested not \$100,000 nor \$200,000. They had requested \$750,000 to provide, among other things, tent shows for the culturally deprived.

Yes, I remember, with a sense of shame, the tent shows under WPA.

When they came out to my hometown, they thought it was a service to me to set up a tent show and to show a play—some of these best sellers. The one that played that night in my town was Avery Hopwood's "Forest." Senators remember Avery Hopwood. Why, a fortune was made on things like "Up in Mabel's Room," "Getting Gertie's Garter." It is true. No wonder my mother did not want me to have too much contact with the theater.

So here is what they said:

The concept—

Get this. It is too good to be lost. It should be chiseled on stone—

The concept of the Great Society does not limit itself to the relief of the economic ills alone. It embraces the economic, social and cultural growth and well-being of all who are presently disadvantaged. The theater, therefore, which through the ages has nourished the spirit of man, must be available to all . . . If culture is good for some it is good for all.

But a good job would be a lot better and assist them a little better; and that is the problem here. Send these trainees out and they get jobs among some of the largest employers, who say they do not know anything about the subject, and

the training has been lost on them. That is why I said earlier there was a good deal of boondoggling about it. It has got to stop. I am not going to add more money over what the President said they should have.

Then, with respect to Hopkins Park, the *Pembroke Herald Eagle* described the culture program, as follows:

The evening of Monday July 26 marked a new foolish era of *Pembroke Township* . . . [which now] plans to hire an out-of-town stranger at \$200 a week to tell Hopkins Park residents why they are poor . . .

You have to do some research to find out why you are poor; and probably have to go to the Library of Congress.

An OEO representative stated that this \$30,000 [anti-poverty grant] must be spent by counting the number of people who live here, surveying the road conditions, and asking people why they are poor . . .

Any fool walking or riding around Hopkins Park can see why the people are poor. They are poor because there is no payroll here . . . the problem is . . . not building day schools and clinics . . . this community needs a man that knows how to go out and bring business here.

They are going to stoke up a survey to find out why they are poor. It reminds me a little of the two fellows who were appointed to an auditing committee for the lodge. The lodge was broke. They said, "We find the lodge is financially embarrassed because it is fresh out of money."

Let us go further. There is \$227,000 for a vocational rehabilitation center to rehabilitate the mentally and physically disabled. Try arguing with that. This is what it says.

How about an adult education program for 120 persons that cost more than it did to send private tutors to homes of each of the 120, and 20 times as much as an existing locally financed program.

Mr. President, I could go on and on. There are a great number of other things. I promised the Senator from Missouri [Mr. SYMINGTON] that I would watch the clock so that he would have a chance to vote. But there are one or two other things that I wish to get in here.

I look with a baleful eye at the entire legal aid program, notwithstanding the fact that State bar associations, the national bar, and I suppose the American Bar Association are for it. The trouble is that those who are at the higher echelon in the bar associations never have any contact. Let the humble lawyers do it so they do not get around to where the praying goes on and where you get on your knees.

On page 22581 of the *RECORD* of September 14, there is a list by States of the funded legal services, programs as of July 1, 1966. Some very interesting things appear in the 11 listed for Illinois. Eleven legal associations.

The list shows Eldorado. That is way down in Little Egypt in the southern part of the State. The legal service program was funded in the amount of \$59,589. The Eldorado census as of 1960 was 3,573 people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 10 additional minutes.

The Illinois legal directory shows that there are four attorneys for the town. The other more interesting one is Karnak. I shall finish with Eldorado. There are four attorneys. So they get \$59,000 from the Federal till as a part of the poverty program. Why, it beats working in a law office. Somebody said that if they had this program when Lincoln was alive he would not have practiced law. He would have probably taken one of these sinecures and maybe he would never have been elected President of the United States. Who knows, except destiny had something else in store for him.

But four attorneys and \$59,000 worth of poverty business. You have got to be pretty fast on your feet, even as an attorney, in order to add that up.

Down in Little Egypt—those are nice names—we have one called Thebes, we have one called Calro, and we have one called Karnak. Do you remember that great story about Karnak in ancient history?

In Karnak, whose population, believe it or not, is 667, they allowed \$65,805 for the Shawnee development legal aid program. Karnak does not have an attorney. The county has five attorneys. One of the five attorneys is a judge, and the other is the State's attorney, and that leaves three attorneys. That is a nice little sum, \$65,000, to be passed out among three attorneys to go after the poverty boys and girls and see that they do not get into difficulty.

It could be that these attorneys listed for each of the 50 States might be used to process suits under title IV of the Civil Rights Act. I do not know. But I do know that is the record and I do know that by their fruit ye shall know them. There is the fruit.

I had to take after Camp Breckinridge when the University of Southern Illinois was operating it. The president of that university was in my office along with the State superintendent of public schools. When they began to badger in a friendly fashion I said, "Read them this." I gave them a record over Sargent Shriver's signature as to what happened in Camp Breckinridge where there was one instructor for nearly every boy.

When I say there is something of the boondoggle about this, I was not kidding for a moment. Here is a letter from an attorney in Texas who evidently runs a pretty good shop. They are getting concerned about this matter and the inroads that the Federal Government, through this program, is beginning to make upon the professional men in that field. They have a right to protest and squawk because if that is to be the big brother business from now on we should stop this poverty business at once. But I will still go along and still venture some money on it so it will never be said I am flinty, hard, and have no compassion for those disadvantaged and culturally deprived in their youth.

Well, sometimes open confession is good for the soul. I lost my father when I was 5 years old. My mother brought up her brood of children as a widow. I had to go to school in overalls because we could not afford anything better. My

twin brother and I often talk about those humble days. I do not weep so much about them because although life was hard—not lush—somehow, God willing, we made it. I therefore do not want to see any pampering go into this program which would somehow weaken and debilitate the youth of this country. I want to make sure that we get something out of the money we spend on it. That is the reason the President was right in holding down the amount.

Some time ago, the President advised me that the demand which was originally made went right through the roof. He could not believe the amount of money they were asking. He therefore sent a budget to Congress of \$1,750 million, which is \$250 million more than was granted for the fiscal year ending June 30.

The \$1,750 million is the President's budget figure. The House approved that figure and now the Senate committee came along and added another three-quarters of a billion dollars. I want to see it taken out, and so does the Senator from Virginia, and that is the purpose of the motion to recommit.

Mr. LAUSCHE. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Do I understand correctly that even if the amendment of the Senator from Illinois is adopted, there will be an authorization giving \$250 million more than was appropriated for this general program last year?

Mr. DIRKSEN. Yes, sir. That is the figure in the RECORD. That is the budget figure.

Mr. LAUSCHE. Now then, may I ask, is there any question about the figure which the Senator gave concerning the legal services phase of the program of 657 residents and a \$65,000 grant being made to hire lawyers?

Mr. DIRKSEN. I gave the pages in the RECORD. The Senator will find them when he reexamines my remarks.

Mr. President, sitting with me is a staff member of mine, a fine lawyer, who has lived in southern Illinois within a stone's throw of Eldorado and Karnak. He can tell the Senate firsthand what it is like there, so we need not guess about those things.

Mr. LAUSCHE. Then the Senator is vouching for these figures, and I assume that if they are incorrect, they will be challenged by the opponents?

Mr. DIRKSEN. Yes, sir. I shall be like the cigarette ad, I will eat my hat if the figures are wrong, and I will not switch, either. [Laughter.]

Mr. President, I have enough material here to talk until 6 o'clock, but I have spoken long enough. I think I have illustrated what we are up against.

I am going to vote for the bill if we reduce the budget figure. If we do not reduce it, then the minority leader is not going to vote for the bill. We will ask for a record vote and, with that, Mr. President, I close my case.

Mr. PROUTY. Mr. President, I should like to point out that we are authorizing not for a full year here, but for not more than three-quarters of the present fiscal

year. Therefore, based on the figures which the committee came in with, actually this would amount to \$3,328 million, taking into consideration that we are authorizing for only 9 months, or a little less.

Mr. DIRKSEN. I thank the Senator from Vermont for his information.

My dear friend and colleague from Pennsylvania [Mr. CLARK] asks me how come I forgot that important point. The fact is, Mr. President, I sometimes get so confused and bewildered that, frankly, sometimes I do miss a point here and there.

I am like the constituent who came to me one day and said that he had been down to one of the departments and one of the bureaucrats was wearing a great big badge.

The constituent said to the bureaucrat, "What is that sign you have there? Is there a convention on?"

The bureaucrat replied, "No, I just wear that."

The constituent said, "What do those initials 'Baik' really mean?"

"Oh," said the bureaucrat, "that stands for 'Boy, Am I Konfused.'"

The constituent replied, "You don't spell 'confused' with a 'k.'"

The bureaucrat said, "You don't know how confused we really are here." [Laughter.]

Mr. CLARK. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. CLARK. Mr. President, I would be the last to suggest, under senatorial courtesy, that the Senator from Illinois [Mr. DIRKSEN]—whom we all love—is confused. But, Senators will remember that he spent a good part of his time attacking the Job Corps. The Senator's amendment does not subtract one nickel from the Job Corps.

Every nickel that anyone asked for—the President, the House, the Senate Committee on Labor and Public Welfare—is still in the bill. All the oratory of the Senator from Illinois has not taken one nickel out of it. It is still in it—every cent.

Who runs the Job Corps? Let us see who runs it. The corporations of this country are organizing the Job Corps today. I think the names of some of them will be of interest to my good friend from Illinois: General Electric Co.; Lytton Industries; Westinghouse Electric Co.; Graflex; Science Research Associates; United States Industries, Inc.; Northern National Gas; Federal Electric Corp.; Ford Motor Co.; Philco subsidiary; RCA Service Co.; Brunswick Corp.; Burroughs Corp.; Packard Bell Corp.; Xerox Corp.

Mr. President, these are some of the corporations running the Job Corps today, not a bunch of social workers from who knows where. It is the great corporations of America who are running the Job Corps.

The Senator from Illinois has not taken one nickel out of the authorization for the Job Corps with all of his oratory.

How about the adult education program which the Senator talks about?

That is not in this bill. We took it out in committee. It is in the education bill. My good friend can make his arguments again when we take up the education bill. It has nothing to do with this bill.

How about legal services?

He says they are no good, but he is leaving \$25 million in for legal services.

How about community action programs?

He says they are no good, but he is leaving in \$944 million for community action programs.

Mr. President, if one is to take the Senator from Illinois seriously, I suggest that he move to table the bill. Then let us beat it on its merits. Let us see the conscience of America on display in this body. Let us not see 35 million Americans pushed down the drain because we have to balance the budget, or because we have to stand by a Democratic President.

I suggest to Senators, in all candor, that this particular amendment is really inartistically drawn. It is technically deficient. It will set back the program of poverty administration by 1 year by freezing it at this figure, when it was just beginning to increase.

I now yield 2 minutes to the able Senator from Wisconsin [Mr. NELSON].

Mr. NELSON. Mr. President, I want to comment on the Job Corps.

Of all the boys and girls who have entered the Job Corps and completed their course, only 10 percent ever had a job before they came into the Job Corps.

The average salary the 10 percent made was 71 cents an hour. After they finished their course in the Job Corps—and I should like to have the attention of the minority leader to this statistic—

Mr. DIRKSEN. I am listening.

Mr. NELSON. Because he was so critical of it. After they finished their course in the Job Corps, 50 percent of the boys now have confirmed jobs at an average salary of \$1.25 an hour, and 65 percent of the girls who finished the course in the Job Corps have confirmed jobs right now.

If that is not a good investment for Uncle Sam, to have taken these kids off the streets and out of the hills in this country, 90 percent of whom never had a job before in their lives, I do not know what is. Fifty percent of the boys have jobs and 65 percent of the girls have jobs who finished the course.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. Does the Senator wish further time?

Mr. NELSON. I could speak for hours on this subject, but I do not wish to say anything further.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. KENNEDY of New York. I think really the two major questions, are, first, whether there is a need for this program, and, second, whether the United States can afford to meet that need. It seems to me the answer to both of those questions is "Yes."

If I may have the attention of the minority leader, I am responsible for adding \$200 million to this program for Head-

start. I joined my colleague from New York [Mr. JAVRS] in adding \$150 million for the job training program to be carried on by private industry.

With respect to the Headstart program, there is a great need for it among children 3 to 5 years of age. Statistics have shown that in cities like New York, Chicago, Los Angeles, by the time such a child gets to the third grade, he is behind a year. By the time he gets to the sixth grade, he is behind 2 years. By the time he gets to the eighth or ninth grade, he is behind 5 years. This program is an effort to help them in those years and give them hope for the future. If a child cannot get training in that period of life, he is not going to get a job when he leaves high school at 17, 18, or 19.

This is a basic question of whether we are willing to help those who need help. This is what we are discussing. This is what was promised first by President Kennedy and then by President Johnson.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. I yield 1 additional minute to the Senator from New York.

Mr. KENNEDY of New York. If we look at the headlines over the last 9 months, we see the lawlessness and disorders that have been taking place in cities over the country. Those who have analyzed what has taken place say that they are committed by those who cannot find jobs, who have no hope. This \$150 million is to help them.

I do not see how we can say to those people that they must follow the customs and the mores of the community when we cannot give them some hope.

As to the question of whether we can afford this, we have a gross national product of \$700 billion.

Yesterday there appeared a column by Sylvia Porter in which it was stated that Americans spend \$712 million on food for dogs, cats, and birds. It says there was an increase of \$96 million in 12 months.

Last year Americans spent \$3 billion a year on dogs: \$550 million for food for dogs; \$450 million on clothes and accessories for dogs; \$700 million on the purchase of dogs; \$150 million for licensing fees for dogs; \$150 million on shots for dogs; \$600 million on veterinary fees for dogs; and \$400 million for miscellaneous items.

If we spent \$600 million for veterinarians for dogs, we can do something more about the Headstart program.

Is there a need for this program? Let me read a few words:

There are men who cry out that we must sacrifice. Well, let us rather ask them, who will they sacrifice? Are they going to sacrifice the children who seek the learning, or the sick who need medical care, or the families who dwell in squalor that are now brightened by the hope of home? Will they sacrifice opportunity for the distressed, the beauty of our land, the hope of our poor?

Time may require further sacrifices, and if it does, then we will make them. But we will not heed those who wring it from the hopes of the unfortunate here in a land of plenty.

I believe that we can continue the Great Society while we fight in Vietnam.

Those are the words of President Johnson in the state of the Union message.

I think he was right. I think we should not cut back the \$150 million provided for the people of our country who need it.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Virginia [Mr. BYRD] on the bill.

Mr. BYRD of Virginia. Mr. President, I rise to support the amendment of the Senator from Illinois [Mr. DIRKSEN]. It is a simple amendment, providing what the Budget Director and the executive department recommended for this program, \$1,750 million. The House of Representatives also approved the authorization to the extent of \$1,750 million.

Neither the President of the United States nor the House of Representatives is recognized as being parsimonious when it comes to the appropriation of funds. As a matter of fact, it might be said that both are pretty good spenders.

When the bill came over to the Senate, the Senate committee added 42½ percent to this authorization, to increase the authorization from \$1,750 million to \$2,496 million.

It occurs to the Senator from Virginia that somewhere along the line this Congress, this administration, and this Senate have got to face up to the very difficult financial situation in which this Nation finds itself and in which the taxpayers find themselves.

Yesterday the Senator from Virginia had a unanimous consent agreement that we would have a vote on a motion made by the Senator from Virginia to recommit the bill to committee with instructions that the bill be reduced by \$750 million.

The amendment now being proposed by the Senator from Illinois would accomplish the same purpose as that which was sought by the Senator from Virginia. So I am happy to support the Senator from Illinois in this endeavor. I hope it will carry. If it does, there will be no need to pursue the motion of the Senator from Virginia. If it does carry, I will ask for a vote on my motion.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. President, I support the Dirksen amendment. It was my intention to support the proposal to recommit the bill to committee with instructions to reduce the authorization to not more than \$1,750 million.

Last January President Johnson presented the administration budget for fiscal year 1967. It proposed an authorization for the Office of Economic Opportunity of \$1,750 million to conduct the war on poverty. While OEO would doubtlessly have preferred a larger authorization—what agency would not?—they ultimately agreed that this was a proper allocation of funds in the overall budget picture.

Budget developments during the past 9 months certainly do not justify increases in domestic spending beyond that recommended in the President's budget. Indeed, the reverse is true. The war in

Vietnam is mounting in cost—and we have no practical means of reducing or deferring those expenditures. We are faced with the probability of a substantial budget deficit. This deficit is accompanied by an overheated economy causing most severe inflationary pressures—pressures being felt by every businessman, laborer, and housewife in the country. If corrective measures are not taken, we may well be approaching a time of financial crisis.

This economic condition is already requiring harsh measures. We will soon consider an administration proposal to suspend a number of financial incentives—action which would work a distinct hardship on the business community. In my judgment, we may shortly be called upon to consider a general tax increase. Most important to our present deliberations, the President has stated he will seek every means to eliminate at least \$3 billion of domestic spending in the coming year as a part of this necessary program of fiscal restraint.

Under these circumstances, I would be extremely reluctant to support an increase beyond the President's budget for any program. This is a time to hold the line on all domestic programs—even those which have proved to be sound investments.

Frankly, the war on poverty is not such a program. I believe in the objectives of the program and—like most others—take pride in the fact that we are the first nation in the history of mankind to set our sights on the total elimination of poverty. For these reasons, I supported the Economic Opportunity Act of 1964 and voted for authorizations extending the act and appropriations to fund it.

But I am far from satisfied with the results which have thus far been produced from this costly experiment in social engineering. The hearings on this bill in both Houses and the floor debate on the companion measure in the other body reveal instance after instance of waste, mismanagement, and misconduct. I simply find no satisfactory explanation for Job Corps costs per trainee exceeding the annual expense of sending a student to college. I am appalled at examples of young people refusing available jobs because they are better paid by the Neighborhood Youth Corps. In short, there is a growing discontent with the administration of this program and an increasing skepticism as to whether it is headed in the right direction.

Let us face the facts. There has been no thorough review and analysis of the poverty programs to date—either by Congress or the responsible agency. As the distinguished Senator from Pennsylvania stated, the committee did not feel there was sufficient time for such a review this year. Unfortunately, the authorization bill is being presented so late that appropriations for it could not be included in the regular Labor-HEW appropriations bill. Consequently, appropriations for the fiscal year 1967 will have to come in a supplemental bill and there will be no opportunity this year to consider the poverty program in conjunction with the other Labor-HEW measure relating to the same problem.

I am encouraged that the Labor and Public Welfare Committee has pledged to make a comprehensive review of this program immediately. This should be far more than a formal hearing. It should be a thorough and extensive field investigation of all projects designed to provide hard information and tangible indicators of progress. For example, we need specific data on the results of Job Corps and Neighborhood Youth Corps training to show the extent to which these programs are actually finding jobs or opening up additional educational opportunities.

We need to study the results of these programs on a hardheaded, no-nonsense basis to see if they are actually beginning to produce higher levels of employment, fewer dropouts, and lower crime rates.

Let me also emphasize that the authorization proposed in the administration budget—the same level approved by the House of Representatives—is in no sense niggardly. It permits the continuation of all existing Job Corps training centers and the establishment of 30 additional centers. It includes a one-third increase for community action programs—and these programs had already been more than doubled from the preceding year. The \$1.75 billion request did not eliminate a single ongoing program—and was \$250 million higher than the fiscal 1966 spending level.

Now the Senate bill would initiate additional programs—before the present ones are proving successful. We are asked to authorize additional funds for urban "special impact" programs and neighborhood health centers. Yet, just last month we approved a \$900 million demonstration cities bill to determine which programs will have the most impact on urban problems. Yesterday, we passed a comprehensive health planning measure. It is high time we began to ask for some feedback of favorable results from existing legislation before tacking on hundreds of millions of additional dollars in new legislation to attack the same problems.

Is this the time—with our President pleading for fiscal restraint and both Houses of Congress asking for a thorough review of the poverty program—to increase the authorization by three-quarters of a billion dollars and push it into additional untried programs? I think not. The bill should be amended to reduce the authorization to \$1,750 million.

When all is said and done, the most essential ingredient to increased opportunities for our poor is a prosperous and stable national economy. If our budget deficits are uncontrolled—if inflation is unabated—if the dollar loses international respect—then all the existing or proposed poverty programs will not improve the plight of our less fortunate. So, while this additional authorization would not bankrupt the Nation, neither is there convincing evidence that its programs would enrich it. It is the wrong increase to the wrong bill at the wrong time—and I cannot support it.

Mr. CLARK. Mr. President, I yield 5 minutes to the Senator from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. President, I recognize that the distinguished minority leader [Mr. DIRKSEN] and my colleague, the distinguished Senator from Virginia [Mr. BYRD] and other Senators have addressed themselves to this problem in good conscience. I am sure that we who oppose the amendment and motion also must be accorded good conscience in presenting, even briefly, the reasons why the figure of \$1,750 million is not acceptable to us.

Mr. President, I hope my fellow Senators will not feel that I am going beyond the bounds of propriety and good taste in saying to them that I believe that sometimes, in this body, we are inclined to overlook, too easily, mistakes made with mechanisms. Let us take for example the ships which are shot into space. Because of a miscalculation in launching, \$20 million is lost.

I do not speak in disparagement of any of my fellow Members of this body; I cherish the friendship of every person here. But I hear no utterance in this forum about the error, the mistake, the shortcomings, in a program of that type, where we are involved with mechanisms rather than with the lifeblood of men, women, and children.

Yes, as we approach this vote, we all know instances of error, of mistake, and faulty judgment in our fight to lessen the heavy hand of poverty in its deteriorating effect on children and on parents. But so much good has been wrought. We never stand as tall as when we stoop to help our needy fellowmen.

As a diligent member of the subcommittee and a member of the committee, I approach the responsibility in regard to this subject matter objectively. I keep in mind, of course, the problems of State which I represent. I weigh also, more importantly, my responsibility in this area of legislative action to all the people of the United States of America. I say it is my judgment—a very considered judgment—that the Senate will act inadvisably if it approves either the proposal of the Senator from Illinois [Mr. DIRKSEN] or the Senator from Virginia [Mr. BYRD]. The figure of \$2.1 billion offered by the distinguished majority leader [Mr. MANSFIELD] is as low, gentlemen of the Senate, as we ought to go in bringing this matter to conference with the House. We cannot escape our challenge for providing for the needs of the poorer people of the United States of America, who, on this occasion, I think, look hopefully to this Chamber for the aid they deserve and which we can provide.

Mr. President, the administrators of the Office of Economic Opportunity and the supporters of the war on poverty lay no claim to a perfect program. We know there is need of improvement. The members of the subcommittee and full committee were aware of the need for changes, and we have moved constructively to make required amendments to the existing legislation.

We must remember that the Office of Economic Opportunity works in programs for people—programs to provide increased opportunities for citizens to become productive members of society

and to share in the pursuits which the majority of persons take for granted. Any of our programs which revolve around the participation of people are difficult to administer. This is so with all our education and training programs.

It is important to note—and this fact must be emphasized—that the war on poverty is reaching a level of citizens in our society who heretofore have had no opportunity for a better life. In moving to the heart of a poverty area and encouraging local participation, OEO faces tasks with which our Government has had little or no experience.

Many communities have required over a year in the development of antipoverty programs. They are now moving full force into the war on poverty. This demands a higher funding level. To restrict the ability of OEO to fund new programs and extend existing ones only multiplies the problems of poverty for the future. It is not in our national interest.

Mr. President, critics of the war on poverty are quick to publicize the shortcomings in this program. They are not as quick to commend the successes. West Virginia has had many of these successes through the Office of Economic Opportunity.

Mr. President, I ask unanimous consent that excerpts from my recent letter to the Director of the Office of Economic Opportunity in response to his special report concerning the war on poverty be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, D.C., June 28, 1966.

HON. SARGENT SHRIVER,
Director, Office of Economic Opportunity,
Executive Office of the President,
Washington, D.C.

DEAR SARGE: As the Subcommittee on Employment, Manpower and Poverty—of which I am the ranking member—continues hearings and deliberations on fiscal year 1967 expenditure authorizations under the Economic Opportunity Act, be assured that I am grateful for the special report you have submitted concerning the "war on poverty" in West Virginia.

I note that the cumulative total of antipoverty programs expenditures in West Virginia as of June 1, 1966 amounts to \$43,720,546, distributed as to program activities as listed below. It is especially pleasing to have received from you verification of the fact that although West Virginia ranks 30th in the United States in population and 27th in the number of poor persons, it ranks 13th in Office of Economic Opportunity funds received. This is due mainly to the fact that West Virginia is participating actively in all types of programs in the "war on poverty"—reaching all of the 55 counties—with the exception of the OEO category of small business loans.

It is especially noteworthy that West Virginia ranks second in the nation in funds received under the Work Experience Program to help unemployed fathers and other needy persons to secure and retain employment or to attain or retain capability for self-support. In this "work experience" category, in which 12,000 West Virginians have participated, it is noted that almost \$15.3 million of Federal anti-poverty funds were expended for this purpose in our State.

Second largest category of the "war on poverty" in West Virginia is the Job Corps,

with 820 enrollees in the State in two centers, and with 774 young West Virginians enrolled. Job Corps obligations assignable to our State, I note in your report, amount to \$11.2 million.

The Neighborhood Youth Corps, in which 11,466 young boys and girls were participants in West Virginia, provided \$5,070,414 in income.

Under the Head Start Program 34,420 children benefitted from total West Virginia expenditures of almost \$6 million.

Community Action Programs, not including Head Start, received almost \$4 million, but it is in this program activity that several West Virginia communities have been disillusioned by slowness in both approval and funding by the Office of Economic Opportunity.

Under the Rural Loans Program, \$1,783,800 has been disbursed for 996 individual loans and four cooperative loans in West Virginia.

The Adult Basic Education activities under OEO were provided for 5,830 West Virginia participants under expenditures of \$417,293.

For the Remedial Reading and Upward Bound activities in West Virginia, \$740,000 were provided to help 970 disadvantaged high school students to better prepare for college.

One Legal Service Program grant in the amount of \$108,000 has been made for a project in Charleston to provide legal services for the urban and rural poor in Kanawha County.

Clay County, listed among the 182 poorest counties in the United States, has been reached by five OEO programs—one of them a special library activity which operates after school hours in the county's elementary schools. It uses books collected in a nationwide book drive and is staffed by disadvantaged persons.

It is especially pleasing to note that agricultural projects financed by community action are helping low-income farmers in Wayne, Raleigh, and Wyoming counties to select and plant income-producing crops and to help in marketing such crops.

Attention also has been focused on the fact that in McDowell County, nine community centers provide a wide range of services, including pre-school classes, recreation and tutoring for youth, homemaking services and adult literacy classes. A clothing center collects used clothes which are repaired by low-income persons and are distributed to needy citizens. Over 4,000 persons benefitted from the clothing center program, the report shows.

The report on Mingo County, where low-income residents have banded together in cohesive neighborhood groups, is gratifying. Through community action, they have obtained school repairs, bus shelters, and secondary road improvements. A recent grant from OEO is to finance an ambitious program to rehabilitate substandard housing while training low-income residents in construction skills.

With very real appreciation for the services being performed by the Office of Economic Opportunity in the war on poverty in West Virginia, and with personal and official esteem, I am,

Sincerely,
JENNINGS RANDOLPH,
U.S. Senator.

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Mr. President, I yield 2 minutes to the able Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I believe what we have lost sight of here is that this is a capital investment program; it is not a relief or welfare program. What we are trying to do is break the cycle of poverty and misery which exists in many

segments of our population. It has existed in those segments for many years in the past, and will continue to do so unless we make some effort to break the chain.

That is what this program seeks to do; because, while pork chops may be cheap on the short haul, spread over a long period of time, they can be far more expensive as a palliative than the sort of cure that we seek to effectuate with this program, whereby we seek to regenerate the motivation of people and their earning power.

For those reasons, I oppose the pending amendment although I shall support the amendment of the majority leader.

Mr. CLARK. Mr. President, I yield 2 minutes to the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. President, I sincerely hope that the amendment proposed by the Senator from Illinois will be defeated.

We have heard a great deal on the floor of the Senate this afternoon about the urgings of the Chief Executive to cut back on this program.

But, Mr. President, I suggest that we have our own obligation and our own responsibility as U.S. Senators to make the determination of what is an adequate program to meet the needs of the Nation's poor.

I proposed an amendment, in the Committee on Labor and Public Welfare, to provide comprehensive neighborhood health centers for those who live in poverty around the country, and to make \$100 million available for such health centers.

Since, this afternoon, we have spent a good deal of time quoting statistics on some of the programs that have not been as successful as all of us might hope, I think it is appropriate to inquire into the statistics of health among the poor.

In a nation that is considered rich with medical resources and care, unattended illness of the body and mind is a fact of life to the millions who are poor. Men and women with incomes of \$2,000 a year or less suffer heart diseases at a rate four times greater than the rest of us, mental and nervous disorders are at a rate six times greater, and serious visual impairments are present 10 times more often among the poor than the nonpoor.

This prevalence of unattended disease and illness directly affects the economic status of these people, and by so doing perpetuates the presence of poverty in their life. For the poor who are fortunate enough to be employed, almost one-third of them carry such chronic conditions of various illnesses that severe limitations are placed upon their ability to work. Among the privileged population, this is true of only 8 percent of us. To whatever extent our health causes us to incur days lost at work, that figure is doubled for the poor—who do not have the benefit of salaries, sick time, or a work environment that will tolerate their absence.

And so it is that poor health keeps people poor, and this condition is passed on to their children—at least to those who survive. We know that 10 countries

have lower rates of infant mortality than the United States. This does not mean that our fine maternity hospitals have failed, it simply means that they rarely see the mother who is poor. In 1920 the deaths of Negro mothers in childbirth was 79 percent higher than for white mothers—today it is 300 percent higher. In 1920, the number of Negro children that died after birth was 80 percent higher than whites—today it is 180 percent higher.

In the city of Boston, a survey of 1,442 children in Headstart programs showed that 31 percent of these children had major physical or emotional defects—and they had not seen a doctor. As a result of this screening alone, 2 serious heart defects demanding open-heart surgery were found, 11 positive tuberculosis cases and 17 children with rheumatic fever were uncovered. This pattern of disease was also found with tragic similarity among a study of the city's school dropouts. There is little doubt that the effect of illness among these children is to create school dropouts before formal schooling is even begun.

What is this environment of illness and suffering that the average American cannot even begin to comprehend? Why is it that sheer poverty is considered the third leading cause of death in the city of New York? Why are the killer diseases of the poor still tuberculosis, influenza, and pneumonia; diseases that we who are fortunate have not suffered for a generation.

The answer lies only partially with the costs associated with medical care. The major cause of ill health among the poverty stricken is that medical care is not available to them in the same way that it is available to us. They have no personal relationship with a doctor, there is no office to go to, their neighborhoods have long ago experienced the flight of the good physician. What they do have is a confusing web of clinics, outpatient rooms, and emergency room corridors filled with impersonal staffs and their own neighbors waiting hours for attention—usually to be told that they filled out the wrong form, are in the wrong lines, or suffer from symptoms that are only treated 6 or 7 miles across the city. To the poor then, health care is emergency care, for the desire to be well is smothered by confusion, endless waiting, and worst of all, personal indignity.

It was in recognition of this, perhaps the most basic of all human needs, that the Senate committee accepted my amendment.

Mr. President, we are considering cuts in a program that affect the health, lives, and total environment of millions of citizens—and in the main, the children of our country. To exemplify the environment that these children live in, a representative of Operation Headstart told me of a visual examination that was conducted by asking the children to identify various animals. The first animal on the chart was a simple child's teddy bear. But when those children involved in the Headstart program were asked to identify that object, 36 percent of them identified the teddy bear as a rat. And why should they not make this

guess—the rat is more familiar to them than a toy.

Mr. President, the poverty program is a most extraordinary kind of effort. Certainly there are difficulties. We all recognize them. Yet I believe that the bill the Congress received was completely inadequate to meet the needs. So your committee has held hearings. We heard the evidence, and deliberated on the problem. The recommendation which came out of committee was considerably above the figure now proposed. We feel that amount is the absolute minimum, Mr. President, to do the job. We also feel that the amendment of the Senator from Illinois will do great damage to the whole poverty program. Therefore, I urge that it be defeated.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from California [Mr. MURPHY].

Mr. MURPHY. Mr. President, I ask unanimous consent, because of my recent operation, that I be permitted to use this mechanical device which I have devised, so that I may be heard by my fellow Senators.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MURPHY. Mr. President, I rise at this point as a member of the minority side on the committee. I congratulate the two Senators, one from New York and one from Massachusetts, on their remarkable compilations of statistics, and for the vivid and dramatic picture which, particularly, the Senator from New York drew as to the need for this program.

As far as I am concerned, there has never been any question, not the slightest, as to the need. There has never been the slightest question on the part of any of the committee members on this side of the aisle as to the need. My opposition, and that of my fellows, has been to the method, the administration, the planning, and the amount actually spent—in taxpayers' dollars, hard earned in many cases—in comparison to what we have received.

I have placed in the RECORD, over the last year, many editorials setting forth the problems. I know and understand that it is not easy to get an organization of this size started.

But under the conditions existing today—and I must give the President of the United States credit for having more information than I have, certainly—I believe that the Bureau of the Budget officials are the professionals upon whom we must lean; and if they say this job can be done effectively and efficiently at a certain price, I feel that I must use restraint on my own emotions, that we must be practical, and that we should abide by the decisions of the Chief Executive of our country.

I wish to make the RECORD crystal clear that there is no question as to the need. There is no question that there is a thousand times more need than we can take care of at the moment.

I have questioned the planning and the execution, and I shall continue to do so. I have some amendments which I shall offer later today that I think would

help correct some of the things that have been wrong with the program in the past.

But I must say, in all conscience and honesty, representing the people of the State of California, that I support the amendment offered by the minority leader, the Senator from Illinois.

Mr. CLARK. Mr. President, I yield 3 minutes to the senior Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, I take 30 seconds of my 3 minutes to call the attention of the Senate to the fact that, with this little device, we could all hear the speech of the Senator, and it could be heard in the galleries.

I have had bills in the Senate for 3 years to put a similar device in the Senate. I hope that we can take a little lesson from this and stop being behind the 20th century in the Senate of the United States.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MURPHY. Mr. President, I should like to be a cosponsor on such a measure. I find that I have to go down to the front of the Chamber to hear my leader, and I like to hear him.

Mr. JAVITS. Mr. President, I oppose the amendment of my beloved friend, the minority leader.

It is very obvious that we must make up our minds whether we will have a realistic antipoverty program, or whether we are going to restrict the program within some arbitrary allocation as was done at the White House.

We had the evidence. On the evidence, presented in the most possible eloquent way, we determined that \$2,496 million was the least amount for which we could do the job. If we go to the figure which the minority leader used, there would not be sufficient funds. He offers no alternative and we would have no other course. The amount contained in the committee bill represents, after figuring and refiguring, the smallest amount with which we could possibly have an antipoverty program that remotely meets the need, rather than some arbitrary poverty figure into which we try to push the program.

The Senate defeated the civil rights bill of 1966. We have frustrated every action so far this year in the Congress which would deal with the racial tensions existing in the country. Yet we talk about the fact that there is deep resentment on the part of the community and that there are racial tensions and riots and violence.

I believe that government must answer the just grievances of the governed, and one of the just grievances of the governed arises from the intolerable ghettos where I was raised and know only too well.

We are at long last trying to do something about those conditions. In the order of national priority, they are equal with any program contained in the budget. We are certainly spending a great deal of money in Vietnam.

The idea that we can afford \$1.75 billion, but not \$2.2 billion, \$2.3 billion, or \$2.496 billion is not valid. We can afford

all that it takes with reasonable decency to apportion this need to the other needs.

I respectfully submit that if we cut the heart out of this program and add the results of that action to the racial tension which exists, we will have frustrated every civil rights measure in Congress and will be running an unacceptable risk.

I say to those who favor an anti-poverty program that the majority leader has given us a really rockbottom, teardown figure with which to do any kind of a job based upon the evidence, and we heard that evidence.

I hope very much that the Senate will reject the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield 3 minutes on the bill to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3 minutes.

Mr. MILLER. Mr. President, I do not believe there is a Senator who is not desirous of doing something about the poverty situation, and it is not helpful to say that there is a need for it and that we can afford to do something about it. Every Senator recognizes the truth of that statement. Such a statement is not responsive to the problem which is posed by the pending substitute measure.

The problem is that there has been too much abuse and waste in the present program, and this is not because of a failure to spend money.

Were we to appropriate \$3, \$4, or \$5 billion, it could not be wisely spent. The reason is that there are not enough trained and experienced personnel to administer the program.

We will have a hard time of it as it is, if the substitute is agreed to, in finding enough trained and experienced personnel to administer the program.

Too many people do not know what they are doing, and as a result the OEO has gone to some of our school districts and taken away schoolteachers by paying more than the principal receives. They have taken some of our trained and experienced social workers away from the local levels of the government. Will we experience more of the same? I hope not.

As far as being able to afford an increased amount of Federal money for poverty programs is concerned, let us face up to one fact of economic life. Some of those Senators who have been speaking against the substitute fail to recognize that we cannot afford to have more inflation, because this will be hurting the very people they profess they wish to help.

The poor and underprivileged people are hurt the most by inflation. It will not do anybody any good to talk about helping the poor people if we do so with the right hand and come along with the left hand and hurt them with inflation, which is the cruelest way of all to take purchasing power away from the poor and underprivileged.

I hope that the substitute will be agreed to.

Mr. CLARK. Mr. President, I yield 3 minutes to the distinguished senior Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 3 minutes.

Mr. MORSE. Mr. President, the cynical speech of the distinguished minority leader today is an excellent argument in support of my suggestion that we recess and go home until after the elections, and let the people speak to us on election day.

The true story with regard to the anti-poverty program was not accurately represented by the selections of four case histories mentioned by the minority leader this afternoon.

The poverty program is not a boondoggle. In fact, when we consider all the handicaps under which its leaders have had to work, it is one of the greatest accomplishments of our time in advancing a humanitarian cause.

I pay tribute to Sargent Shriver, and to his dedicated deputies for the work they have done.

It is not true that the placement program or the other phases of the poverty program are any such failures as the four examples cited this afternoon by the minority leader would lead one to believe.

Unfortunately his speech bears out my point that Senators will not take the time to study the record. You Senators have not heard the witnesses who testified before us. You have not made the investigation into the accomplishments of the poverty program that the committee made.

We have a responsibility to you, as an agency of the Senate, to present a report that will stand on the record.

I wish all Senators could have sat in on a markup session the other day when we listened to a great businessman of this country who is volunteering his time to the poverty program. He came before the committee at our request to tell us the facts about the placement program.

He presented a report which showed us the remarkable job that is being done in taking these school dropouts, these young men that the Senator from Wisconsin [Mr. NELSON] talked about, 90 percent of whom had never had a job, and rehabilitating and training them.

This is the type training program that I have followed very carefully in connection with the Tongue Point program in my State. As this witness pointed out to our committee at the Tongue Point training center a very large percentage of the trainees receive placement jobs in plants, shops, and businesses even before they have completed their training schooling at Tongue Point. The Philco Corp. of the Ford Co. and the University of Oregon which sponsors the program have been able to work out apprenticeship or training job assignments for a large number of these trainees with nearby employers while these young men are still at Tongue Point. It has been a great success.

The Senator from Illinois refers to the cost of the program. Let him put a price tag on a rehabilitated young man or

woman. Let him compare the cost of training these underprivileged young men so that they can become gainfully employed and become self-respecting taxpayers with the cost of keeping them on welfare, or in jail or prison. The poverty program authorized by this bill will prevent many young men and women in our country from becoming drags upon society.

Let me say to the Senator from Illinois [Mr. DIRKSEN] and to the Senate I shall never place the value of the dollar sign above human values. The Senator from Illinois is proposing an amendment that not only will scuttle much of the program of this bill, it also will scuttle the chances of saving many young people from lives of degradation.

Mr. President, it is a sad thing that in the closing hours of this debate the kind of representation has been made about this great program that is contained in the remarks of the minority leader.

What the poverty program has been doing under the leadership of many volunteer industrialists, employers, and businessmen in this country is one of the great accomplishments of our time in the promoting of human values.

I do not intend to pull the trigger of the President's torpedoing of his own Great Society program.

I am not surprised at the account which the minority leader gave us of the conversation of the President with the majority and minority leaders yesterday.

The President is not the Congress. The people elect the Members of Congress to pass legislation, not to rubber-stamp the President of the United States. The President has his veto power, and if he thinks our legislation, as we pass it, cannot stand up on the analysis of the record we put on your desks, let him veto it and let the people respond to him, as they will.

In my judgment, Senators have an obligation to study that record, and, I speak respectfully, not 20 of you have done so. It is the committee that has spent hours and hours under the able leadership of the Senator from Pennsylvania [Mr. CLARK], preparing this record that rebuts the case of the Senator from Illinois on point after point. We could take any major social welfare program and pick out the kind of cases that are cited by the Senator from Illinois. They are not typical. They are not fairly representative of the record of the work of the dedicated men and women who are running the poverty program.

In this bill we are dealing with the underprivileged; we are dealing here with the poor.

Comment has been made about the legal aid program recommended by the top bar associations and judicial bodies of this country. Some of the critics of the legal aid program do not like it because it is showing how thousands and thousands of poor people in this country have been exploited. The poor people find out through this that they are entitled to legal aid against the rent-gougers, against the fraudulent operators on the ignorant and the oppressed

and the poor in the ghettos of America. Thank God my profession is supporting a legal aid program that gets into the ghettos, seeking to spread justice to the poor. The proposal on the floor of the Senate offered by the Senator from Illinois [Mr. DIRKSEN] is that we ought to gut this program because the President wants us to authorize no more than his budget amount. The proposal really is that we should turn ourselves into Presidential rubber stamps. The President is dead wrong on this matter and we should defeat his recommendation.

I say to my fellow Senators—and I speak respectfully, you ought to leave here and go home and hear the people on this and other issues. Then you should come back after the election and sit down and study the record on this bill. You should take the time that is needed to analyze the evidence supporting the great work of the poverty program and then vote, to do justice to the poor of America.

Mr. CLARK. Mr. President, I yield as much time as he may desire to the Senator from Montana.

Mr. MANSFIELD. All I will take is 2 minutes, at the most.

I have listened to the debate with a great deal of interest. First let me say that what the distinguished minority leader reported of our meeting with the President on yesterday is substantially correct. And the purpose of the Senator from Montana in offering an amendment is to reduce the amount authorized as reported out by the committee by nearly \$400 million.

It appears to me that while this agency, the OEO, has made mistakes, as new agencies will—and I have found fault with it on occasion, rightly so, and corrections have been forthcoming—nevertheless, they have done an excellent job in the field of the Neighborhood Youth Corps; in the field of community action agencies; in the field of migrant and seasonal agricultural workers, people who are more often forgotten than not; in the field of the cooperatives; in the field of loans to people who can get money from no place but the OEO; and in the VISTA program—just to enumerate a few of the projects which the OEO has undertaken.

I had hoped that it would be possible to arrive at a compromise figure between the amount recommended by the House and the amount reported out by the committee. To the best of my knowledge, none of the members of the Committee on Labor and Public Welfare—at least, on this side of the aisle—were in favor of even the cut which I proposed. But I do think it is the best way out of a difficult situation, to keep together a program which is growing, to give it a boost when it is needed the most, and to help it carry forward the programs—most of them vital, most of them needed—which have barely had an opportunity to get out of diapers, so to speak, and begin to grow up.

So I would hope, most respectfully, that the Senate would turn down the amendment offered by my distinguished colleague, the minority leader, and if it does so, would give consideration to the

amendment offered by the Senator from Montana.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes.

Mr. President, I wish to respond to the distinguished Senator from Oregon. The other day, when we were considering the Health, Education, and Welfare bill, I addressed myself to the whole budgetary process.

It was not in vain that I labored on House and Senate Appropriations Committees for more than 17 years. It could have been 20. I know something of that process. I know what they do in these departments and agencies. I know how the budget officer prepares his estimates, how they go to the Budget Bureau, and the specialists are assigned; and they work back and forth, until finally a tentative figure is reached. They go to the White House and consult with the President.

An amazing amount of time and effort—infinitely more than is spent by the Senate or any of its committees—goes into the budgetary process. The House does an infinitely better job, because in the House when one is on the Appropriations Committee, he rates only one subcommittee, and he becomes a specialist.

In the preparation of a single bill, I spent 8 weeks listening to testimony on agriculture alone, and heard 500 witnesses. They can go into the matter in painstaking fashion.

If one wishes to read a good document, he should read the House report on this bill, with all its detail, and he will see exactly what their estimate of it is and why they have preserved the budget figure.

Now, then, is one lacking in compassion if he frowns upon waste? Does one confess himself guilty of a hard heart only because he points out the excesses? I think that is a duty that a person has, because these are public funds, and they should be wisely and prudently expended. That is the responsibility of Congress.

Others had looked at this matter before we did, and both the Executive and the House of Representatives came to the conclusion that \$250 million more than was provided in the fiscal year 1966 is enough for this program. When they justify it and come back with a better record, then perhaps we can expand this program, if the facts warrant, and say, "Well done, thou good and faithful servant. We will reward you a little for a job well done."

But if one goes through all the testimony, all the detail, he cannot come to that kind of conclusion.

I suggest that while Senators are reading the Senate report, they should read the House report also. I am sorry that there is not time to spell out some of these details that I made note of last night because they really are fetching, and sometimes they make one wonder that these fantastic things can happen in this country.

So, Mr. President, I trust that this amendment to the amendment of the distinguished majority leader will pre-

vail, and that we will bring the amount back to the budget figure, where it belongs; because, among other things, we are confronted with some problems besides those to which the so-called anti-poverty war addresses itself.

Somebody said that this was the first responsibility. The first responsibility of government is to survive, to survive physically—that is why we have security—and to survive fiscally. That is why we are concerned here.

Anybody who has ever been in a country where the ranging flames of inflation have washed out the values knows what it is like.

I was with General Clay in Germany, when he was Resident High Commissioner. I remember the day when we cut 90 percent out of the mark, whether it was in your pocket, in your bank account, or wherever else it might have been. There was weeping, wailing, and gnashing of teeth; but that had to be done in the interest of the economic stability and fiscal security of the country. Because it was done, it has come to high estate.

I have seen it happen in many countries. Someone mentioned Greece the other day. I remember when I was handed a billion drachma at the airport as a token from the Prime Minister.

I asked, "What will it buy?"

He said, "It won't buy you a cotton shirt in the best department store in Athens."

That is what this hungry burglar does to the values of a country. Because we are searching now for a way to get the budget back in balance and get the country on a stable basis, so that we may have no fear about the value and stability of the dollar, I intend to pursue the budget quest in the hope that we shall get a balance, and the dollar will not be looked upon with suspicion by those in the chancelleries of the other countries of the world.

I hope the amendment will prevail.

Mr. CLARK. Mr. President, I yield myself as much time as I may require.

I have listened with interest to the eloquent comments of the distinguished minority leader. I do not believe there is a Senator who believes that the survival of our country would be in danger if his amendment were rejected. I do not believe there is a Senator who thinks the United States would get a runaway inflation if the amendment were defeated.

Here is the issue: The cut amounts to the cost of 10 days of the war in Vietnam. The entire bill represents 1 month of the cost of the war in Vietnam.

What is happening to the conscience of the Senate? What is happening to our sense of priorities, when we seriously consider, as though it were a matter of life and death, a cut of \$750 million, not of an appropriation, but of an authorization, which a committee says, with an almost unanimous voice, represents the best judgment of the minimum needs of the poverty program?

There is talk about the record. Who has heard the record? Who has read the record? The members of the Subcommittee on Employment, Manpower, and Poverty and the members of the

Committee on Labor and Public Welfare heard the record and made their judgments based on that record.

Mr. President, I suggest that this amendment raises the question as to whether the Democratic Members of this body are prepared to follow their majority leader and to follow their committee?

In conclusion, Mr. President, I wish to say to my good friend from Illinois, there are many things that were said during his speech earlier today which the record will disclose as being largely in error.

For example, I wish to point out that the Senator from Illinois made critical comment of the legal services program in Karnak, Ill. He indicated that there was one county that was involved. Actually, there are five counties. Actually there are 30,000 citizens in the need of legal services, which are being provided at an overall cost of \$65,000.

Mr. President, this is not an Illinois boondoggle. It is a successful effort to give some poverty-stricken people of Illinois, who are unable to hire lawyers, the kind of legal services they need to make it more difficult for them to be gouged by landlords and consumer credit agencies.

In conclusion, Mr. President, I wish to read a letter which came to my attention. It was directed to the Breckinridge Job Corps Center at Morganfield, Ky., written by Mr. and Mrs. R. H. Johns, of 102 Lincoln Parkway, East Peoria, Ill.:

BRECKINRIDGE JOB CORPS CENTER,
Morganfield, Ky.

To the Personnel:

This is but a feeble attempt to express our thanks and appreciation for the training our son, Archie T. Rowland, received at Breckinridge. You literally saved his life, for before he entered the Job Corps he used to say that the only way he could ever have anything was to steal it. He could have ended up in prison—or worse.

Now Archie has a good job at Caterpillar Tractor Company making \$2.96 an hour. (He has been there a month.) He will get a raise every six months, and a chance to advance as he becomes more experienced.

Archie couldn't get a job before, so his Job Corps Training was an answer to all our prayers. I know there are many other boys who have benefited as much as our son, so we want you all to know that we think the Job Corps Training Program should continue.

We know your job is a difficult one, and may seem hopeless at times, but when you hear that one of "your boys" turned out good, it must be rewarding, too. Your salary couldn't be big enough for the wonderful service you perform.

Archie appreciates your help, too, and often mentions "Mr. Meyers" and some of the other personnel there.

May God bless each of you, and keep you from harm, and we wish you all the happiness life can hold.

Sincerely yours,

Mr. and Mrs. R. H. JOHNS.

Mr. DIRKSEN. Mr. President, I will take just a minute or two.

What a ghastly concession, if this program did not do some good. But we picked four names at random off a list. That is the kind of answer we get. If the Senator had been diligent about it, he would have queried every employer and every one of the 17 trainees in Atterbury and those at Breckinridge to see what happened to them. We did not pick

them. That is the answer we could have had. It would have been strange if Archie and perhaps a few others did not get benefits from this program, but what an awful price to pay for those meager benefits. That is all I have to say.

I trust that the amendment will prevail in the interest of a little frugality and a little efficiency in a great big sprawling empire that has to be looked at before it grows to the proportions where it gets entirely out of hand.

I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I intend to vote for the pending amendment, authorized by the distinguished minority leader [Mr. DIRKSEN], to cut the authorization for the antipoverty program recommended by the Senate Committee from \$2.496 billion to \$1.75 billion, a reduction of \$746 million.

With mounting costs of the war in Vietnam and increasing inflationary pressures here at home, the Congress must be frugal and responsible in expenditures.

The morning papers state that yesterday the President "made a strong plea" to the minority leader and the majority leader to hold this bill to the administration budget figure. Mr. President, I intend to abide by that request. I will vote for the amendment.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I shall support the amendment to cut back the authorization for the antipoverty program to \$1.75 billion, the amount which was originally requested in the budget estimate. I feel very strongly that we should not authorize any amount in excess of that figure. I take this position for three basic reasons:

First. In the light of growing inflationary pressures in this country, we should make every effort to reduce non-essential Federal spending.

Second. In view of the increasing expenditures for Vietnam, we should economize where practicable and advisable.

Third. In view of the increasing probability of an administration request for a tax increase, it is my feeling that economies should be implemented, where feasible, in lieu of, or at least prior to, the institution of any such upward adjustments in taxes.

At this time, I also wish to make some observations with regard to certain features of the war on poverty. I have specific reference to the Job Corps program and the community action program.

It has been more than 2 years since the President signed the Economic Opportunity Act of 1964. More than \$2 billion has been spent on a number of programs, conceived to help the 33 million poor Americans. These programs have been in operation long enough for us to be able to take a long, hard look at them, at their successes, their failures, and their overall effectiveness.

No one of us wishes poverty to continue for anyone in this country. We would

all hope that eventually each and every American could hold a job, and earn enough to provide his family with a secure standard of living. But we have come to realize that the desire to wage war on poverty is not enough. It is not enough simply to identify those persons whose incomes fall below a certain dollar figure, and then work out on paper some programs which theoretically will enable them to succeed in overcoming all the elements in their background which have resulted in their poverty status. Certain programs have been designed, they have been enacted into legislation, and they have been put into operation. We now have the opportunity and the obligation to examine some of these programs carefully and consider which are worthy of continued Federal support and which should be terminated.

One of the programs which is receiving growing criticism is the Job Corps. Problems have arisen at many Job Corps centers. Some of them, though irritating, are minor planning problems such as the case where the recruits arrived several weeks before the training courses were ready to go into operation. Some of them are due to administrative difficulties, both in Washington and at the centers themselves.

There have already been changes in the agencies under contract to operate individual Job Corps centers. At least one center has been ordered to close, due to many difficulties. These are all situations which may eventually be straightened out, but they appear to be occurring too frequently to be dismissed merely as "tooling-up" problems.

Perhaps a more shocking problem than the planning and administrative shortcomings is that of discipline among the enrollees in the Job Corps centers. The following represent only a few of the headlines appearing in newspapers all over the country: "Job Corps Youths Riot in Kentucky," "Kilmer Job Corps Ousts Seven Youths—Action Follows Stoning of Cars," "Corps Girls Hurl Bottles at Police," "Job Corpsmen Accused of Rape," "Four Arrested for Extortion," "Nine Youths in Job Corps Jailed After Kalamazoo Street Fight," "Five Job Corps Youths Charged in Shooting."

OEO officials have never denied the occurrence of these riots and criminal outbreaks. Their answers emerge in sociological jargon—the need for these youths to defend their manhood, the anger and hostility they naturally and rightly feel, et cetera—then the Job Corps directors proceed to obtain their release from the police and virtually excuse them from any responsibility for their delinquent behavior.

Many Americans are beginning to question whether the social worker guidelines laid down by the Office of Economic Opportunity can be effective in reshaping the lives of these young men. One newspaper columnist puts it this way:

The Washington guidelines reflect prevailing modern attitudes toward youth. Their permissive flavor bespeaks the remorse of a guilty society trying to compensate its failings. But they seem strangely out of place in a camp that must contend with the prob-

lems of men who have yet to learn the necessary disciplines of life.

Some Job Corps administrators have wanted to use some of the techniques proven effective in training recruits in the Armed Forces. But the use of militaristic procedures has been rejected by OEO policymakers. Because punishment has been ruled out as a method of discipline, administrators at the centers often have no firm way in which to insist upon acceptable behavior on the part of the Corpsmen.

The young men and women enrolled in this program have encountered grave difficulties during their lives. They have not succeeded in attaining any measure of success, and many have resorted to delinquency and crime. It seems to me a bit presumptuous to think that the qualities of self-respect, self-control, and self-discipline will emerge in a permissive environment such as has been provided in the Job Corps centers, when no real demands are being put upon these young people.

The OEO has stressed the education and training aspects of the program. No one would deny that we possess the techniques to train most of these youths for semiskilled and skilled jobs. We can raise their level of education in a remarkably short time. But the more difficult problems come in teaching them how to live in the real world, teaching them to adopt the values and habits necessary to enable them to live satisfactory lives when they return to the environment to which they have previously been either unable or unwilling to adapt themselves.

One educator who has studied the Job Corps extensively said:

The Job Corps officials did not understand the nature of the people they were going to have to deal with. They relied on the rather naive belief that removing young men from their home communities would enable these youths to partake of middle-class education. This has led to what I regard as the failure of the program.

Another matter of concern to me is that of the cost of the Job Corps program. In a February 1966 newspaper article, \$4,500 was quoted as the cost for each enrollee who had graduated from the program as of that date. In its congressional presentation the following month, the OEO reported that the enrollee cost for the average 9-month period of enrollment was \$6,980. In some of the centers the figure was actually \$15,000.

OEO spokesmen have expressed the hope that this will be reduced to \$8,000 when the Job Corps reaches the so-called steady-state phase in a couple of years, but no real evidence has been presented to show how this will be done.

A real question arises as to whether the Nation is getting its money's worth from this program. Eight thousand dollars is quite an investment for a single person. Part of this high cost is due to the high dropout rate. Some 13 percent of the original recruits drop out in the first month of training. Twenty-one percent of the recruits leave after the first month, but before graduation. Of those graduating from the centers, the

most optimistic estimate made of overall success is 80 percent.

Many state that if they rehabilitate half of the graduates, the program will be termed a success. On this basis, the cost per successful Job Corps enrollee may be as high as \$16,000.

A tabulation of those graduating before February of this year showed that less than half had obtained employment, and half of those were working in semi-skilled jobs. In a followup study, it was found that 10 percent of those employed had left their original jobs very soon after being hired. About a third of the Job Corps graduates enter the Armed Forces, thus postponing the time when they have to reenter society. One cannot help but wonder if it should cost \$8,000 to prepare a young person to enter the Army.

These are some of the major problems facing the Job Corps at this time. I have no indication that the Office of Economic Opportunity is really attempting to find solutions to them. I think we must soon seriously reconsider the aims of the Job Corps and whether it should continue to be administered in the same way as it has been over the past 2 years.

Another program administered by the Office of Economic Opportunity is the community action program. Since its inception, this has been a loosely defined program in which the guidelines seem to change to adapt to each and every local situation. The annual report of the Office of Economic Opportunity defines the goal of this program as follows:

The local CAP organization is responsible for seeing that poor people do not fall between agencies or get lost in the shuffle between one or the other. Its basic function is to help the poor make best use of existing agencies and help those agencies best help the poor.

Many of the community action programs throughout the country have established centers which are attempting to achieve these goals. But in other localities the purpose of the CAP's is being subverted by extremists and activists, and Federal funds are being used to support activities not in the least related to constructive antipoverty efforts.

In Syracuse, poverty funds have been used by the Syracuse Community Development Association to support demonstrations against the city administration and to provide bail for arrested demonstrators. In Cleveland, a group receiving antipoverty money piled rats and trash on city hall steps to dramatize the conditions under which slum dwellers are forced to live.

In Washington, D.C., antipoverty workers have organized persons on welfare to picket the Welfare Department, to stage sit-ins there, and have also organized demonstrations at police precinct station houses, stirring up trouble, and causing needless disturbance and disorder. In New York City an OEO supported group organized rent strikes and school boycotts. The director of the antipoverty agency there was accused of encouraging extremists to "war against

individual schools and their leaders." He was charged with turning full-time paid agitators and organizers of extremist groups loose on the community to create disorder, disharmony, and violence—the very conditions the antipoverty groups were created to combat.

In most or all of these cases the programs were being administered, not by the city government or another public agency, but by a voluntary group selected by the Office of Economic Opportunity to conduct the community action program. I hardly think that the Federal Government should be giving financial support to activities designed primarily to embarrass, annoy, and harass officials within the city government or the local school system.

Picketing, demonstrations, rent strikes, and sit-ins are not activities which will provide poor people with the education, training, or jobs they need. It may be fun for activists to engage in this type of program, but it seems to me of little benefit to the poor. Such activities are designed to fight city hall and not to fight poverty. Groups indulging in this type of action certainly should not be receiving Federal money.

We have not yet had a full accounting of the performance of the community action programs. It may be too early to evaluate their overall effectiveness, and they may be operating successfully and well in some communities. But I would recommend that some efforts be made to direct the Office of Economic Opportunity to withhold funds from groups primarily active in agitating the poor and organizing them for destructive purposes. Some have made the point that Federal money should be awarded only to persons in public positions who are responsible to the electorate. The Office of Economic Opportunity desired a more flexible policy so that it could give grants to organizations outside the local government which designed appropriate proposals for community action projects. But unless the OEO can require certain standards of conduct from such organizations, grants to private groups should be discontinued.

These are a few of the many questions concerning the poverty program which have come to my attention. It is my contention that it is incumbent upon the Office of Economic Opportunity to come forward to explain the failures where they have occurred, especially in the Job Corps and the community action programs. If they are not able to demonstrate that these programs can straighten out their difficulties, we should consider transferring the funds expended for OEO into more worthy and effective antipoverty projects.

I have no criticism of most of the other antipoverty programs. On the whole, they seem to have proved beneficial thus far. Time will fully record their success and failures, in the light of which they can be properly and fairly evaluated.

I ask unanimous consent to insert in the Record various and sundry articles, and news stories relative to certain features of the antipoverty program.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 3, 1965]
JOB CORPS CAMP PLAN SPLITS ALL-WHITE BISMARCK

(By Don Reeder)

BISMARCK, N. DAK., December 2.—North Dakota's capital city, which lacks a single permanent Negro family, is having racial troubles.

The Community is split by a bitter fight over proposals to establish a Federal Job Corps training center just outside town at Ft. Lincoln, where youths would be educated and work in State parks.

Both sides are advancing several arguments, but the most explosive issue is that an estimated 75 of the 200 Job Corps trainees would be Negroes.

Bismarck, a normally placid community of some 32,000 finds itself torn by some of the same problems its citizens have known previously only through news stories.

Supporters of the Job Corps center argue that Bismarck is morally obligated to give "culturally deprived" high school dropouts of the Job Corps a chance to improve themselves.

Opponents contend they are not racially prejudiced but merely practical. They say Negro trainees would find themselves isolated from social contact with Negro families, condemned to spend an unhappy time in a cold and unfamiliar country.

The U.S. Office of Economic Opportunity has not yet formally proposed setting up the center. But the Government has been taking soundings of community sentiment.

One radio station survey of 106 residents showed 46 opposed to the project, 37 favoring it and 23 undecided.

The Bismarck City Commission and Park Board advised Federal officials that most people do not want the center. They contend that many citizens fear a sharp increase in crime, lower real estate values and overcrowded recreation facilities.

"The Government people handled this thing badly from the start," said Mayor Evan Lips. "They should have come in here with more explanation of the program, so people would know what they were talking about."

"We are not racists in Bismarck."

JOB CORPS AID FACES A HEARING—MISSOURI TOWN COMPLAINS ABOUT GIRLS' BEHAVIOR

(By Donald Janson)

KANSAS CITY, Mo., July 23.—The latest headache for Sargent Shriver and his Office of Economic Opportunity came this week from Excelsior Springs, just outside Kansas City.

Mrs. Grace Phillips, director of the women's Job Corps center in the pleasant little town of 6,000, was served Tuesday with a warrant charging her with maintaining a public nuisance. A hearing will be held Monday in Municipal Court.

The warrant is based on a complaint signed by 20 residents of the area where the center, housed in what once was a veterans' hospital, is situated.

The neighbors, complained that the girls at the center were loud, profane, sometimes drunk and often on the town's once-quiet streets after curfew. They said the girls also were promiscuous, sometimes in the yards of residents.

SYMPATHY FROM JUDGE

The case will be heard by Judge Arthur F. Wagoner, who has expressed "sympathy with everyone who signed that complaint." He lives near the center, which is training about 300 teen-age high school dropouts from every

state in the nation for such vocations as nurses, secretaries and cooks.

Police Chief Frank Patterson said he had arrested four girls on charges of drunkenness. He said he had received many complaints of immorality. Frequently, he said, youths pick the girls up on the streets in their cars.

Judge Wagoner said some residents had moved out but that "some of us are going to stay here."

Mrs. Phillips concedes there is a problem but says progress has been made since the center opened last March.

"This is almost like missionary work," she says.

C. M. Horned, director of community relations and public affairs for the center, said the "major problem" stemmed from the fact that the campus-like grounds of the center were in the heart of a residential area.

Also, he said, people in Excelsior Springs are unused to seeing interracial dating and are "very concerned" about it. About 60 per cent of the girls at the center are Negro.

Mr. Horned said he thought the Office of Economic Opportunity would avoid residential locations for future projects.

This one is operated by the Training Corporation of America, a private company, under contract with the antipoverty agency.

RUN, SCREAM, YELL

"The girls run, scream, yell and have all the characteristics of a teen-age population," Mr. Horned said, "along with all the profanity they learn at home."

He said they attracted men from Kansas City and nearby Air Force bases, mostly Negro, who came in "old clunkers" of cars and motorcycles.

The couples park on the streets, he said, because Excelsior Springs has no public places of entertainment where Negroes are welcomed.

He said the center was instituting stricter supervision, but "we don't want to use storm trooper tactics."

Last month the center suffered through an eight-day strike by its 17 teachers. They formed a union called the Job Corps Federation of Teachers and joined the American Federation of Teachers, an affiliate of the American Federation of Labor and Congress of Industrial Organization. They demanded more pay, more teachers, more classrooms, less red tape, less janitorial work and a contract.

They got all but the contract, which is under consideration. The teaching staff numbers 25. It is scheduled to grow to 39 when the student body reaches 385 in September.

Both the strike and this week's developments sent officials of the contracting company in Falls Church, Va., and the regional antipoverty office here scurrying to Excelsior Springs.

Mr. Horned said the center had been trying reinforced patrols and other suggestions of the Excelsior Springs Community Relations Council but had drawn the line at a proposal that the grounds be ringed by an eight-foot barbed wire fence.

[From the New York Times, July 22, 1965]

FIVE JOB CORPS YOUTHS CHARGED IN SHOOTING
SAN ANTONIO, Tex., July 21—Five Job Corps antipoverty trainees from Chicago faced charges today in the shooting of two air policemen. Two were accused of assault to murder and three others were to be arraigned on charges of having conspired to rob the airmen.

James Wesley Neely, 18 years old, was accused of the shooting and was held in \$15,000 bond. Cordell Hughes, 17, was held in \$10,000 bond.

The two youths were accused of wounding and trying to rob Airmen Robert J. Pettengill, 19, of San Bernardino, Calif., and Frank Marcello, 18, of Elizabeth, N.J.

Airman Pettengill was in serious condition. Officials at Brooke Army Medical Center said he might be blinded because a bullet had severed an optic nerve.

Airman Marcello, who identified pictures of Neely and Hughes from his hospital bed, wounds in his hand and stomach.

NEW BEDFORD ASKS JOB CORPS TO GO—ACTS AFTER STREET FIGHTS—SHRIVER BARS MOVE

(By John H. Fenton)

NEW BEDFORD, MASS., May 24.—A series of street fights and other incidents involving unruly elements at a Federal Job Corps center have led to a showdown between New Bedford citizens and officials of the training program.

The City Council unanimously adopted a resolution last night asking President Johnson to take the center out of New Bedford in the interest of public safety. But it appeared today that the situation might be resolved by stricter disciplinary measures at the center and the hope of better understanding between Federal and municipal officials.

In any event, Sargent Shriver, director of the Office of Economic Opportunity, said in Washington that he had "no intention" of taking the center out of New Bedford. He expressed hope that a group of Job Corps and local citizens could work out plans for creating a "more friendly atmosphere."

Mayor Edward F. Harrington, acknowledging that there had been some incidents involving girls, said that the crime rate actually had decreased in the year that the center had been in operation.

The Mayor said there was nothing he could do about the City Council action. But he noted that the Federal contract to use the center had another year to run.

About 520 young men whose economic backgrounds make them eligible for the Job Corps program are receiving training in basic education and office procedures such as the operation of machines for accounting, data processing and computer programming. They are housed at Fort Rodman, a former Army Artillery installation that had been reduced to housekeeping status.

Although the roster of the Corps is about 60 per cent Negro, there was general agreement, even among those most concerned about the situation, that racial problems were not involved.

The climax of the dispute came last night, when a group of Corps members, on learning that two of their colleagues had been set upon by New Bedford youths, stormed out of the center about midnight and headed downtown.

The police said they were pelted with stones, iron pipes and other objects, but the group was finally herded back without any serious injuries. No arrests were made.

City Councilman Daniel F. Hayes, who introduced the resolution to have the center closed, said, "They have had time to do something about discipline at the center."

Today, at a meeting of the Corps, Jerome M. Ziegler, director of the center, told the corpsmen that what happened here "may well affect the whole Job Corps program of the country." He expressed hope that it would be possible for "our neighbors in New Bedford to meet us and above all to get to know you as individuals."

[From the Washington Post, May 24, 1966]

CITY ACTS TO GET RID OF JOB CORPS

NEW BEDFORD, MASS., May 23.—The New Bedford city council, alarmed at a weekend

uprising by Job Corps trainees, voted tonight to ask President Johnson to move the Fort Rodman Job Corps center out of the city.

Forty to fifty boys enrolled at the center hurled rocks, iron pipes and other objects at police Saturday night when the officers tried to prevent a gang fight with local youths in downtown New Bedford.

The center opened in January, 1965, and since then has enrolled 871 youths. Of the total, center director Jerry Ziegler, said 42 have been arrested for various offenses and 30 have been sent home for disciplinary reasons.

TROUBLES BESET JOB CORPS CENTER—BUT CHARGES OF INDISCRETIONS ARE OFFSET BY PRAISE

(By Nan Robertson)

CHARLESTON, W. VA., Jan. 5.—The Charleston Job Corps Center for Women is struggling with trouble.

It is trouble from which many important people in Charleston avert their eyes—either because they believe in the center's hopes and are heartened by its successors, or because it brings them money.

The trouble involves allegations of prostitution, drunkenness, lesbianism, fights, theft and truancy. A very small number of almost 300 Job Corps girls have been offenders. Some have been sent home. A few are still at the center, and the problems continue.

The center's director, Calvin R. Hobart, told a local judge that it was "extremely difficult" to get approval from Washington when he wished to expel girls for repeated misconduct.

EMPLOYEES PRAISED

Nobody in Charleston appears to be fighting the idea of the center. The police are generally discreet and seek to avoid bad publicity. Other city officials declare support. Nor does Charleston Job Corps enrollees staff.

A local lawyer involved in two of the most serious investigations reported last month to Washington headquarters that Mr. Hobart and his employees "are earnestly working in every way to build the Job Corp into an institution of honor and character instead of one reflecting shame."

Scores of interviews with Charleston Job Corps enrollees this week underscored the fact that the vast majority of the girls have the same desire. They do not speak of problems for a long time, until they trust the outsider. Then their own fears, and their own faith in what the Job Corps means to them and what it might make of them, come bursting through.

ACHIEVEMENTS IMPRESSIVE

"I want to make it so bad in the Job Corps, and I want the Job Corps to make it so bad," said one girl. "But I go to bed at night scared to death."

She and others spoke of drunken fights, thieving and sexual overtures within the six-story hotel the corps occupies in downtown Charleston. The worst fight, last Dec. 18, resulted in a girl's being slashed across the chest with a razor and hysteria throughout the building.

In bright contrast are the center's impressive achievements—the tumbling down of racial barriers, the relationships, the new hopes.

The enrollees speak repeatedly and with deep emotion of how they missed the center and their friends, teachers and advisers there during a two-week Christmas home leave that has just ended.

"I love my roommates. I'm not going to leave them for anything," said Marie Brown of Demopolis, Ala. Miss Brown is a Negro. Her roommates are white—one

from North Carolina and two from West Virginia—and they reciprocate her feeling.

Girls emphasized again and again the "big chance" in life the Job Corps was offering them. Only 68 of the girls have high school diplomas. Many never got beyond eighth grade and had only sixth grade reading ability when they entered.

"We get some girls who can't read a word," Mr. Hobart says.

The center employs advanced and tested techniques to improve their basic reading, writing and mathematics. The girls are also studying to become beauticians, secretaries, business machine operators, cashiers, practical nurses and assemblers of electronic equipment such as radios and television sets.

It is too early to say how successful the classes are. The center defines a "graduate" as one who goes from the center to a better job than she was able to get before. So far there has not been one graduate. The center expects to see results by early spring, when the nine-month "desired minimum" period for Job Corps enrollees will have been completed by some.

The melting away of racial walls and tensions is evident everywhere in the building. Linda Hicks, a Negro, who as a resident corridor adviser is near the girls 24 hours a day, said, "There's no racial trouble here. It's the kind of cross-cultural living that no other Americans get."

Half of the living-in staff is Negro, as are slightly more than half the enrollees.

What seems to go particularly against the grain locally is that men from Charleston's Negro district near the center are seen in the company of Job Corps girls.

Mayor John Shanklin said that before the Job Corps center opened here last June 9 "there was some apprehension" over the "new idea."

"You can't have 300 girls together without some of them getting into some trouble off-hours," he said. "I expected a whole lot more disturbance. Thank goodness, it's been negligible."

On the record, there has been little trouble. Since the center opened, there have been only eight arrests. Four girls were charged with being drunk and disorderly, two with shoplifting and two were booked Nov. 23 as "runaways," with allegations by police officers that the last pair were engaged in prostitution and procuring other Job Corp girls for clients in nearby hotels.

After hearings with Juvenile Court Judge Herbert Richardson and an exhaustive investigation conducted by Robert E. Douglas, the defense lawyer for the runaways, the two girls, both 17, were released from county jail. The Job Corps sent them home.

Mr. Douglas is chairman of the family and child welfare division of the Charleston Community Council. In his report Dec. 10 to Washington, the lawyer said his inquiry tended to show "that there have been indiscreet actions taken by a number of enrollees, although it was not possible to nail down an organized ring" of prostitution as the arresting officers had charged.

Enrollees will talk freely about friends and roommates who they say engage in prostitution. One corridor adviser said simply without being asked: "Some do it for money." The girls' spending allowance is \$30 monthly; room, board and medical and dental care are free.

The staff is grappling daily with the problems as best it can. The emphasis is on understanding and guidance.

The central problem of the Charleston Center for Women—and perhaps the entire Job Corps—is this: The corps is dealing with and trying to "save" teen-agers who are not only very poor and often troubled but who also have failed.

"It's society that has failed them," one Washington Job Corps official said recently.

"Their families, the schools, the police, sometimes psychiatrists have all had a crack at them and lost. They've dropped out of school, they've gotten into trouble, they can't find or hold an adequate job."

Mr. Douglas thinks there should be more "proper, adequate supervisory control" within the center.

"This community supports the center," he said. "People here want the Job Corps to be successful. Frankly, I think better disciplinary measures should be taken or the program as a whole will suffer. They should not wait until public opinion is down on the Job Corps. I feel the situation is building up to an explosion."

[From the Charleston (W. Va.) Daily Mail, June 10, 1966]

CORPS GIRLS HURL BOTTLES AT POLICE

Two policemen reported today they were reviled in the "vulgarest, dirtiest, foulest" language and made targets of a barrage of beer and whisky bottles when they answered a call at the Job Corps training center in the Kanawha Hotel last night.

They further charged that officials of the corps on duty in supervisory capacities were abusive and refused cooperation.

Patrolmen Dennis Scragg and George Henderson made a full report of the incident to superior officers and Scragg expressed hope today that municipal officials will take some action.

Police received a call about 11:30 reporting two girls were stranded on a ledge or roof about 14 feet above a delivery alley at the rear of the hotel.

Scragg said when he and Henderson arrived they found the girls there, that both were bleeding from minor injuries and reported they had been pushed from a window.

He said that then windows of rooms filled with screaming, taunting girls of the Job Corps who began assailing them with obscene and profane epithets and hurling bottles and dishes at them.

Scragg today exhibited the neck and jagged, razor-sharp edges of a broken bottle that he said missed striking him in the face by the narrowest of margins.

Powerless to get the girls down from the outside, the officers summoned a fire department company to stand by and went in the building to help get the girls back through a window.

He said that while he was inside "some little man" who represented himself as a Job Corps official berated him and Henderson and told them they had no right to be on the property.

Scragg said he replied he had a perfect right to answer a police summons for help any place. He told the Daily Mail he was not sure of the man's name.

He said that once the girls had been brought through a window from the roof he went to the lobby and requested a woman clerk to summon two girls who had been particularly active in hurling objects. He said the woman refused to summon the girls, although he told her the room they occupied.

"You wouldn't know them anyhow," he quoted her.

The male official told Scragg and Henderson he intended to report them "to your superiors."

The Corps officials sent both girls, who first said they had been pushed from a window, to Charleston Memorial Hospital for treatment. One had a lacerated knee and the other a lacerated elbow. Neither injury required suturing.

The hospital report quoted the girls as saying they fell from a window.

The Job Corps yesterday graduated a class of 36 girls in ceremonies at the Civic Center.

When a Daily Mail reporter asked Chief of Police Dallas Bias his reaction to the incident at the Job Corps center last night he

referred to a stack of several reports on his desk. Then he had this to say:

"There was an altercation or disorder at the Job Corps last night which caused police to be called. The report of the officers who responded to the call says they found two girls who claimed to have been shoved from a window to a ledge outside. The officers needed a ladder to get up on the ledge. A fire department truck was called for that purpose. The truck was not used, however."

"While the two officers were trying to get the girls off the ledge they were abused by some girls hanging out the windows and calling them foul names. One girl threw the broken neck of a liquor bottle at the officers. The officers report they could get no cooperation from the person who said she was in charge. This woman identified herself as being the person in charge."

"The circumstances will be turned over to Capt. Nunley of the Detective Bureau to determine whether there has been any improper interference with city police officers in their proper investigation of alleged felonious assaults."

[From the New York Times, Nov. 14, 1965]

NINE YOUTHS IN JOB CORPS Jailed AFTER KALAMAZOO STREET FIGHT

KALAMAZOO, MICH., November 13.—Nine Job Corps trainees involved in a window-smashing riot that was touched off by the theft of a coat were arraigned today on charges ranging from felonious assault to looting.

The youths were among an estimated total 60 Job Corps trainees who, after they left a dance at a school here last night, broke windows and otherwise damaged 19 buildings as they brawled with the police.

The policemen were injured and two Job Corpsmen were treated at a hospital for lacerations.

In Washington, the Office of Economic Opportunity, which directs the Job Corps, issued a statement expressing regret over the incident and saying the trouble involved both Kalamazoo youths and corpsmen. And it deplored what it called "unfounded rumors which have exaggerated the local situation."

The statement quoted Dean Fox, Kalamazoo Police Chief as saying "It really was a mob action that included both Job Corpsmen and town youths."

The violence apparently stemmed from a fight between a Kalamazoo youth and a job corpsman over a coat that had been reported stolen at the school dance.

The trainees then began fighting among themselves both inside and outside the school said Jack Clark, who was in charge of the dance at Lincoln Junior High School.

Then, the police said, the Job Corpsmen headed for their buses, which were parked downtown some blocks distant.

As the youths passed through a downtown shopping mall, they broke windows and pulled down Christmas decorations, Chief Fox said.

"Some rings and a watch were taken from two jewelry stores, and we recovered some items," he reported.

The police said they confiscated a linoleum cutter, a switchblade knife, and auto jack handle, and a pair of bolt cutters, among other weapons.

The director of the Kalamazoo Community Services Council, Joseph Dunnigan, recommended today that the city be placed "off limits to Job Corpsmen." He also said a committee that had coordinated visits to the city by trainees from the Job Corps Training Center at nearby Fort Custer was halting its activities.

The violence occurred only hours after the Fort Custer center was dedicated formally by Sargent Shriver, director of the Office of Economic Opportunity.

Approximately 50 officers from law enforcement agencies throughout the county were

called to round up the unruly mob and load the Job Corpsmen on the buses that had brought them to Kalamazoo.

[From the Washington (D.C.) Star, Nov. 13, 1966]

JOB CORPS YOUTHS IN RIOT AT KALAMAZOO

KALAMAZOO, MICH.—"By legal definition it was a riot," says Police Chief Dean Fox, "but for all practical purposes it was more a mob action."

The post-mortem in his office before dawn today covered:

Damage to 19 buildings in the area of Kalamazoo's downtown shopping mall, four persons injured—two policeman among them—Christmas decorations torn down and 12 youths in custody.

Fox estimated display window losses alone up to \$3,500.

The rampage spilled last night from a scuffle at a dance at Lincoln Junior High School here. Attending were Kalamazoo youths and guests from the Job Corps training center at nearby Battle Creek.

The center had been dedicated formally only hours before by R. Sargent Shriver, director of the Office of Economic Opportunity.

Before the violence was put down, every police agency in Kalamazoo County, in addition to state police, answered a general assistance call.

A skirmish line of armed, helmeted police moved out to round up the rioters.

One patrolman was hospitalized with possible rib fractures and internal injuries suffered while trying to break up one fight. Another suffered facial injuries in a struggle with one youth wielding a jack handle. Two Jobs Corps members were treated for ankle and head injuries.

Police confiscated several weapons in the roundup.

Held were 11 identified as Job Corps members.

[From the New York (N.Y.) Times, Apr. 1, 1966]

BATTLE CREEK MAYOR ASKS 30-DAY JOB CORPS BAN

BATTLE CREEK, MICH., March 31.—Mayor Harry Wilklow Jr. asked the nearby Fort Custer Job Corps Center today to keep its trainees out of town for the next 30 days.

He said he would ask Gov. George Romney to send in National Guardsmen for weekend street patrols if the center refused to grant the ban.

Mr. Wilklow took the action following an incident last Friday night during which several youths from the center were involved in a street fight. Fourteen of the corpsmen were sent home yesterday after an investigation.

[From the Washington (D.C.) Post, May 27, 1966]

JOB CORPS SHIFT

BATTLE CREEK, MICH.—The troubled Fort Custer Job Corps camp has a new security chief—E. Wilson Purdy, who resigned as Pennsylvania State Police Commissioner in a wire-tapping controversy.

Officials said they wanted someone who could meet with police in nearby Battle Creek and Kalamazoo "on their own ground."

As a result of vandalism and street fights, the 1500 Job Corps trainees have been all but barred from the two cities.

At the Fort Rodman Job Corps camp in New Bedford, Mass., a curfew and beefed up guards have been ordered after an outbreak between trainees, police and local teenagers last weekend.

[From the Washington Post, Oct. 5, 1965]

FOUR ARRESTED FOR EXTORTION

BATTLE CREEK, MICH., Oct. 4.—Four young men training at the Fort Custer Job Corps

Center have been arrested by Federal authorities on extortion charges, Job Corps officials said today.

Officials said the four, accused of extracting money from fellow corpsmen under threat of physical violence, were arrested Sept. 30 and were arraigned before a U.S. commissioner on Oct. 1.

Federal Bureau of Investigation agents said the four demanded preliminary examination and were being held on \$1000 bond each. Charged were John McCrae, 20, of Dothan, Ala.; Charlie Tomlin, 19, of Lake City, Fla.; Lenorris Thomas, 18, of Palmetto, Fla.; and Sterling Myles, 20, of Washington, D.C.

[From the Washington (D.C.) Evening Star, Aug. 31, 1965]

LEARNING THE NECESSARY DISCIPLINES (By Charles Bartlett)

CASPER, WYO.—The men charged with running the Job Corps Center in the abandoned Air Force base near here do not hide their regret that they cannot impose more military discipline upon the rugged assortment of recruits who are shipped to them.

The social worker guidelines laid down in Washington seem almost wistful when they are applied to the boys in their late teens who come to this center. The qualities in most of these men are deeply submerged by the shortcomings of their youth. They usually arrive as mean, tough kids who lie and steal skillfully and at will. A surprising number are badly spoiled, more than one-fourth are totally illiterate, and almost all of them lack any real sense of discipline.

The center director, Dale Anderson, and his staff have extremely little leverage to cope with this crew. They can lift privileges, award extra duties, and assess fines for damage to government property. But if they deal severely with miscreants or emulate the army in any way, the kids will go home and the officials will be censured by the Job Corps hierarchy.

The corpsmen are quick to realize that the whip is in their hands. Anderson offers prizes for the neatest barracks and holds inspections but a visitor is startled by the untidy aspects of these quarters and of many corpsmen. The walls in the recreation area have been battered in places by men who found nothing better to do.

The unrigid spirit dictated by Washington requires Anderson and his staff to devote much time to the persuasion of young men whose experiences have taught them to be stubborn. They must be persuaded to get their hair cut, to take advantage of their opportunities to learn, and to resist their impulses to leave for home. One able but overworked instructor induced one young fellow to join the reading class after two months of persuasion.

The permissive climate of the camp is specified by the general instruction drafted in Washington for camp directors. "The importance of discipline is recognized," these instructions say. "However, the emphasis is on guidance and constructive criticism. Arbitrary measures tend to create hostility and resentment."

Noting that young people are inclined to test rules and standards, these instructions direct that "rules must never be allowed to dominate the life of the center" and that "formal disciplines must be kept to a minimum." The aim of these instructions is to create an environment in which the corpsmen will "gain maturity through learning, self-expression, and the recognition of his abilities."

Washington's rejection of every form of militarism was overruled by the objections of corpsmen in the first centers to the fact that they had no uniforms. They wanted the assurance of some insignia and they now sport army-type shirts with Job Corps shoulder patches. However, they usually

wear these garments in a sloppy fashion that would be intolerable to the Army.

Anderson, taught by his own experience to respect Army methods of handling men, has balked occasionally at Washington's policies. He divides his corpsmen into groups of ten so they can have the leadership experience afforded by the Army squad system. Despite prodding from Washington, he refuses to have his staff sit among the corpsmen at meals because he believes that this familiarity will damage the working relationships.

"As long as you stay here, you are going to work and study," Anderson tells each newcomer. This bluntness undoubtedly violates the Washington precepts and it may account for the fact that 50 corpsmen have dropped out of the Casper camp. But Anderson's stern unwillingness to tolerate foolishness is probably also the reason why the 98 men who have stayed have done reasonably well.

The Washington guidelines reflect prevailing modern attitudes toward youth. Their permissive flavor bespeaks the remorse of a guilty society trying to compensate its failings. But they seem strangely out of place in a camp that must contend with the problems of men who have yet to learn the necessary disciplines of life.

[From the Washington (D.C.) Star, Aug. 29, 1965]

JOB CORPS DROPOUTS JOLT CAMP'S MORALE (By Charles Bartlett)

CASPER, WYO.—The Job Corpsmen who go home are an enigma that disrupts the gathering momentum of this Job Corps center at the foot of the Laramie Mountains and raises basic questions on the discipline of the over-all program.

One out of three of the young men flown here by the government has sniffed the crisp winds blowing across the range grass, examined the facilities of this one-time training base for bomber crews, and demanded to be sent home. The staff begs these "tourists" to consider the opportunities at hand and to give the camp a chance.

But when the men persist in their refusal to stay, as about 50 have since the camp opened in April, they are handed tickets back to the grey future that awaits them at home. These recalcitrants damage the camp because they tax the time of the overburdened staff and depress the morale of men who want to stay and learn.

EXPERTS DISPATCHED

Concern over the rate of drop-outs has spurred the headquarters in Washington to dispatch experts to learn what is wrong in the Casper center. They will not need to probe much deeper than the instability of young men whose training was cut off in grammar school and who have never learned the discipline of work and study.

This camp is the lowest rung on the Job Corps ladder. Its aim is to teach the basic skills and attitudes necessary for more advanced training at the urban centers in other places. The cruel irony is that this essential first step is being rejected by the young men who need it most.

The fault does not appear to lie with the staff of the camp. The director, Dale Anderson, is a straight-talking, no-nonsense type of Westerner who seems ideal for his role. He and his personable assistants are struggling hard to find the balance between ingratiation and command that will induce these young men to stay and seek their futures at the center.

The camp works a 40-hour week that breaks into 12 hours of study and 28 hours of conservation labors at a nearby reservoir. The 98 corpsmen's needs in the field and in the study rooms are handled well by the staff of 26.

The center is a splendid deal for these men by any yardstick. They get medical

care for their ailments and bad teeth. The meals are excellent and central heating has been added to the barracks since the bomber crews moved out. The recreation outdoes anything that might be found in a private boarding school. Two movies a week, softball games each evening, weekend passes, and bedtime snacks are the sugar coating on the pill.

The reward for this outlay of energy and money is the enthusiasm of the corpsmen who have seized their opportunity. These are the 20-year-olds who have swallowed their embarrassment and knuckled down to master the alphabet and the primary reader. There are the farm boy from Nebraska, bursting with pride over his progress in arithmetic, and the clean-cut fellow from Idaho who says, "I've hoped all my life that a chance like this would come along."

The going is not easy for any of them. Each day requires a new repudiation of their pasts. "You've got to keep putting your mind to it," explains Reuben Jackson, a bright Negro cook from Ohio. "I'm always close to deciding to leave." Jackson's mother, who has 13 other children, writes letters urging him to come home because she misses him. He did pack one day but Anderson persuaded him to stay. Now he talks eagerly of the jobs he can get if he finishes the course.

STRONGEST ARGUMENT

The visible success of the center at stimulating latent qualities in these men is the strongest argument for tougher policies toward those who want to go home. The whims of the fellow who says, "I need fresh air and fun instead of work" or of the Southerners who leave because they dislike being encamped with Negroes are pathetic contrasts to the center's gathering climate of dedication.

The drop-out experience in Casper indicates that the Job Corps is making one major mistake. This is an excessive zeal in recruitment that obliges the center to prove itself to the corpsmen. The promises of the recruiters are brighter than the realities in the camp and the let-down deepens the dismay which every young person feels upon leaving home.

The Casper experience also suggests that the corpsmen should initially commit themselves to remain at these centers long enough to allow their homesickness to subside and the training routine to catch their interest. If this commitment is not sought, the Job Corps will stay trapped in an expensive flux of tourists who may eventually undermine the program.

JOB CORPS CAMP CHIEF IS REMOVED

The director of a strife-ridden Job Corps training center at Camp Breckinridge, Ky., has been removed from his post in the wake of a drastic reduction in the number of center employees.

Southern Illinois University officials, who operate the center under a \$10 million government contract, yesterday announced that James W. Hughes, the director, has been reassigned to a position as assistant professor at the university.

LAST WEEK 107 FIRED

Last week, 107 center employees were fired by university officials. Before the dismissals, the number of employees at the center—about 450—exceeded the number of young trainees—358.

A Job Corps spokesman in Washington said SIU managers of the camp have undertaken a major restudy and overhaul of the camp's management.

The spokesman, Stanley A. Zimmerman, deputy director of the Job Corps, said the top-heavy staff was the result, in part, of the freezing of "trainee input" at Breckinridge following a near-riot there last August.

SEVENTY-FIVE INVOLVED IN DISORDER

In the August disorder, a group of some 75 corpsmen attacked a fire truck when it arrived—in response to an apparent false alarm—outside a mess hall at the center.

A fireman was beaten with tire chains and fighting broke out. Authorities later reported that 10 corpsmen were treated at a camp hospital for stab wounds, cuts and bruises.

OFFICIALS TOUR SITE

Top Job Corps officials, including Corps director Dr. Otis Singletary, toured the Breckinridge center earlier this week.

Job Corps aides stated that the large staff at the center was hired in anticipation of an enrollment of 1,000 to 1,500 corpsmen. A spokesman said one of the administrative problems at the center involved a lack of "proper timing" in the development of the program.

Among the 107 employees dismissed were about 25 wives of employees. One of the women is Mrs. Georgia Hughes, the wife of the deposed director. Hughes has been replaced by James R. Fornear, who was the deputy director.

Zimmerman said that prior to the dismissals, a total of about 50 wives of employees were on the center staff. He added that the use of "family teams" on the center staff was encouraged by project directors.

The Job Corps official said the enrollment freeze at Breckinridge will remain in effect until the administrative problems at the camp have been remedied.

[From the New York Times, Nov. 3, 1965]
JOB CORPS FINDS KENTUCKY CAMP IS STILL DEFICIENT

(By Joseph A. Loftus)

WASHINGTON, November 2.—Camp Breckinridge, the Kentucky Job Corps center where enrollees rioted last August, is still "seriously deficient," a corps official said today.

Talks have been reopened with Southern Illinois University, the contractors, to negotiate improvements speedily.

A Job Corps survey team that went to Camp Breckinridge last month found that far too little had been done to avoid a repetition of the Aug. 20 riot. Job Corps officials thereupon affirmed their August decision to send no more enrollees to Breckinridge until certain improvements had been made.

Headquarters said a cancellation of the university's contract was not being discussed at this time. However, officials said it would be uneconomic to block new admissions indefinitely. More than 700 have been assigned to Breckinridge since it opened.

Many fled or demanded transfers after the riot. The October rolls showed 388 there although there are facilities for more than twice that number. The projected capacity is 2,000.

Wray Smith, associate director of the Job Corps in charge of urban centers, would not pinpoint the deficiencies but placed them in three categories: instructional services, administrative services, and enrollee life.

"There is a lack of effective management on the part of the university," he said. "So much flows from that. The matter is urgent. We've got to wrap it up in the next few weeks. We feel this is a serious matter."

The riot could not be traced to any single cause. However, investigators found many possible causes, some of which were corrected immediately.

The university, they concluded, had been excessively cautious and slow in buying equipment for the enrollees. Food and food service were inadequate with 600 being fed in a dining hall that accommodated only 160 at a time.

There was a divided security force. The members had overlapping responsibilities and were confused about their duties. The property watchers carried guns and when these were taken away four of them quit.

A staff training program had been discontinued, presumably because new corpsmen were arriving so fast that they demanded the staff's full time. It was "beastly hot" that week, and there was not enough to do, one official said. Relations with nearby communities had not been adequately developed.

Although many of these shortcomings were corrected promptly, the October survey results disturbed Job Corps officials. They called in Delyte W. Morris and Robert MacVicar, president and vice president of the university, and pressed them for more action. Further talks will be held next week.

These events hold significance beyond their immediate effect on Camp Breckinridge and the university.

The more far-reaching question is what kind of organization is best qualified to operate these camps. Measured by adverse newsmaking events, the camps run by profit-making corporations have a far better record than those run by a variety of non-profit organizations.

[From the New York Times, Aug. 21, 1965]
JOB CORPS YOUTHS RIOT IN KENTUCKY—

HUNDREDS IN FOOD PROTEST AT CAMP—10 INJURED

MORGANFIELD, Ky., August 20.—Hundreds of white and Negro youths, many of them school dropouts from big-city slums, rioted for nearly three hours today at a Federal Job Corps center. At least 10 persons were injured.

The students at nearby Camp Breckinridge complained that they were being fed "slop." They were dispersed only after agents from the Federal Bureau of Investigation and United States marshals had entered the camp while 35 armed state police stood guard outside.

"The students were fighting everybody, themselves and the camp officials," a state trooper said. "They grabbed everything they could get their hands on and went wild."

The F.B.I. entered the case because the camp is on Federal property. State troopers were ordered to the scene by Gov. Edward T. Breathitt after a request for assistance by United States Attorney Bill Rivers.

Camp Breckinridge houses about 650 students, about 400 of them Negro, and is operated by Southern Illinois University under contract with the Government.

The camp is a former United States Army infantry training center in western Kentucky near the Indiana border, about 175 miles southwest of Louisville. The students range from 16 to 21 years old.

Among the injured was a fireman who tried to quell the fighting. He was admitted to Our Lady of Mercy Hospital in Morganfield. The others injured were admitted to the camp infirmary.

The rioting began in the school cafeteria. Robert Rudd, an activities instructor and member of the student security staff, said about 50 youths had started it "and it spread from there."

"They all grabbed two-by-fours and marched from the cafeteria," he said. "They broke into the security building, shattered a lot of windows and pushed a few staff members."

FIREMEN TOO LATE

Mr. Rudd said someone called the fire department, but firemen arrived too late to prevent most of the vandalism.

"The kids began to break up after staff members reasoned with them," Mr. Rudd said. "But once the kids were outside, the rioting broke out again. They jumped on

a fireman and started throwing two-by-fours again."

The student complaint about the food was reported in a recent edition of the camp newspaper. The story described the fare as "slop."

State troopers from Henderson, Mayfield and Morganfield converged on the camp but lacked jurisdiction to enter. F.B.I. agents and marshals arrived at the scene just as the Governor received authorization from Mr. Rivers. The troopers decided, however, that it was best to surround the camp while Federal authorities and school security personnel tried to restore order.

Homer Woodard, a member of the camp security department, said 300 to 500 youths were involved in the disturbance.

About 100 demonstrators marched outside the camp last Friday in protest to its hiring practices. The Rev. W. J. Hodge, president of the Kentucky National Association for the Advancement of Colored People, said the poor people of the neighborhood, both white and Negro, were being deprived of jobs at the camp.

James Hughes, the center director, denied the charge.

The camp is operated by the Office of Economic Opportunity, which administers the Administration's antipoverty program.

The Job Corps operates the camps at which unemployed youths are taught skills so they can get jobs. Most of the youths are school dropouts.

[From the New York Times, July 3, 1966]

JOB CORPS CENTER AT KILMER FACING A CRACK-DOWN—MORE DISCIPLINE ALONG WITH IMPROVED COMMUNITY RELATIONS PLANNED
(By Walter H. Waggoner)

EDISON, N.J., July 2.—The Camp Kilmer Job Corps Center here has promised to tighten discipline immediately in an effort to reduce misconduct by the corpsmen and improve relations with the townships of Edison and Piscataway.

Mayors Anthony M. Yelencsics of Edison and William H. Atkins of Piscataway made public today identical letters they had received from the Office of Economic Opportunity in Washington outlining steps Camp Kilmer authorities plan to take.

Over a period of months corpsmen in the job training program have been accused of drunkenness, narcotics use and assaults on local residents. Last month seven were expelled from the corps for stoning cars on a highway that passes through the camp.

About a week later, a petition to the Edison Township Council, signed by 1,389 residents, asked the removal of the job training center from the Camp Kilmer site.

PROUD OF CENTER

The letter from Washington, hand delivered to the two Mayors yesterday, was signed by Chester R. Lane, associate director for men's centers of the Job Corps. Although conceding the need for improvement, Mr. Lane nevertheless stated:

"We are proud of the Kilmer Job Corps Center. When the history of the war on poverty is written, its most memorable page may well be the involvement of American industry in helping the poor to share in the good life, as it is known to most of us."

The Kilmer center, opened in February, 1965, is operated with Federal funds by the Federal Electric Corporation, a subsidiary of the International Telephone and Telegraph Corporation.

The corps director promised physical changes at the camp as well as more rigorous enforcement of the camp's standards of good conduct and an effort to impress the community that there are "good citizens" among the youths at the center.

Because cars were stoned on Plainfield Avenue—a highway that cuts through the center of the camp—the camp will improve the fencing and lighting along the thoroughfare and provide a second pedestrian overpass over the road.

Mr. Lane said "extensive additions" in recreation facilities would be started immediately, including the construction of a swimming pool, and the provision of more game room equipment and better movie facilities.

He added that a "corpsman patrol" would be organized "to make sure that corpsmen live up to the behavior standards that both you and we expect of them," in neighboring communities.

Other improvements or innovations will include the issuance of special telephone numbers to local residents who may want to call Job Corps officials quickly or in an emergency, more care in issuance of passes and special buses for corpsmen in order to end or minimize the troublesome incidents that have occurred on municipal buses.

The letter also touched on the now established problem of distrust and tension between the poor and the police.

"Young men from disadvantaged backgrounds, such as we have at Kilmer," Mr. Lane wrote, "often come to us with an unfortunate and inaccurate picture of the role of police in community life. In addition, policemen sometimes do not recognize the generally high quality of most of our young volunteers at Kilmer."

Mr. Lane said that an orientation program would be undertaken to correct "this lack of understanding."

KILMER JOB CORPS OUSTS SEVEN YOUTHS—ACTION FOLLOWS STONING OF CARS—FIRES STUDIED

(By Walter H. Waggoner)

Special to The New York Times

EDISON, N.J., June 15.—Seven youths have been ousted from the Camp Kilmer Job Corps here as a result of the stoning of automobiles on a highway last Saturday night.

The Piscataway Township police reported that six motorists complained about the incidents on Plainfield Avenue, which runs through the antipoverty center, and a 57-year-old man was punched in the face when he stopped to remonstrate with the stone throwers.

In addition, the Federal Bureau of Investigation is investigating the cause of three fires that have broken out at the camp since Monday morning. So far, no one has been accused of involvement in the blazes, a Job Corps spokesman said.

FIRE DESTROYS OLD BARRACKS

The first fire, discovered about 8 A.M. Monday, burned a hole in the floor of the kitchen area in an orientation building. The second destroyed an unoccupied wooden World War II barracks late Monday night and last night the interior of a similar unused building was burned out.

Fire Departments from Edison and Stelton responded to the two most serious blazes but the first was put out by a staff member with a fire extinguisher.

The center, opened in February, 1965, as an antipoverty project to teach job skills to school dropouts, is operated under a Federal contract by the Federal Electric Corporation, a subsidiary of the International Telephone and Telegraph Corporation.

Although cited as a success by the Government and the operating management, the center has been the subject of controversy largely as a result of a highly critical study of its administration and training methods by a group of Rutgers University professors.

And there have been incidents of unruly behavior in New Brunswick, the largest community in the neighborhood, where the

corpsmen find most of their off-duty recreation. But Capt. Maurice Ahearn of the Piscataway Township police department was inclined today to minimize the extent of the misconduct.

NOT TOO MANY INCIDENTS

He said that there had "not been too many incidents considering the number of boys at the camp."

"Out of 2,100, you are bound to get a few who act up," he said. "But if you have only 20 or 30 troublemakers, they can make it miserable for all of the rest."

Today the so-called house of representatives of the corpsmen, the student government drawn from each of the 32 dormitories, formally deplored the recent outbreaks.

At their regular Wednesday meeting this morning, attended also by Paul C. Ketcherside, director of the center, the young "representatives" announced their apologies to the community and invited local residents to attend one of their meetings "to see some of the positive things we are doing at Camp Kilmer."

ONE THOUSAND THREE HUNDRED AND EIGHTY-NINE ASK REMOVAL OF KILMER JOB CORPS

EDISON, N.J., June 23.—A petition signed by 1,389 residents has requested the removal of the Camp Kilmer Job Corps, an antipoverty job training center, from this township.

Presented to a meeting of the Township Council last night, the petition cited incidents of narcotics violations among the Corpsmen, drunkenness and assaults on local residents in the neighborhood of the center.

In response to this and other complaints, Job Corps officials went to Washington today to discuss ways of tightening control and improving discipline over the 2,100 youthful trainees at the Camp Kilmer Center.

The center is operated for the Government by the Federal Electric Corporation, a subsidiary of the International Telephone and Telegraph Corporation.

The mayors of Edison and Piscataway Township met with Job Corps and antipoverty officials from Washington and the Kilmer center on Sunday, moving up their meeting from one originally scheduled for yesterday.

The Job Corps representatives agreed to submit to the mayors by July 1 "a plan of steps to be taken to tighten discipline and improve relations between the center and its neighbors."

[From the New York Times, Jan. 12, 1966]
DROPOUTS ALARM JOB CORPS CAMP—LESS THAN 84 PERCENT RETURN TO KILMER AFTER HOLIDAYS

(By Nan Robertson)

WASHINGTON, Jan. 11.—Camp Kilmer, a Job Corps center recently accused of having "flagrant deficiencies," now has the most serious dropout problem of the entire national youth retraining program.

It has been the only one among 74 centers to fulfill the gloomiest predictions of last November by poverty officials that perhaps 16 per cent of the 13,500 Job Corps men and women who went home for two-week Christmas leaves all over the country would stay home.

Of the 1,023 men who left the New Jersey camp for Christmas, 859 are back and 164 are dropouts—a return rate of just under 84 per cent.

Last weekend the picture was far more alarming. More than 300, or 30 per cent, had not come back to Kilmer and Job Corps officials were upset.

Since then a significant number have straggled back on their own or been persuaded to return by Kilmer officials who kept telephoning them or sending them

telegrams strongly urging them to change their minds.

Most of the dropouts are white.

In the rest of the country the return rate seems to be better than what many poverty officials had hoped for. Job Corps staff members here appear most reluctant to give any breakdown by center or by category of center, "for fear of setting one camp against another," it was explained.

The Office of Economic Opportunity here is lumping all the figures together for a national average return that they say is 90 per cent.

Kilmer's project manager, with offices in Washington, is going to New Jersey to find out what has gone wrong. Months ago, the center was excoriated by some of its professorial advisers at Rutgers University for "flagrant deficiencies," including paramilitary discipline, little learning and preoccupation with a "good front."

In the early months, the racial proportion at Kilmer was about 60 per cent Negro to 40 per cent white. Just before Christmas it had reversed. Now the Negro proportion to the whites will rise even higher.

In most Job Corps centers, the pattern evidenced by the youth has been strong family ties and the homesickness that results; "culture shock"; inability to adapt to group living, new foods and practices. Resistance to change has been significantly higher among Appalachian whites than any other group.

Urban Negroes in particular, the majority from broken homes and toughened by experience in America's cities, seem more able to adapt and are motivated by the desire to improve themselves with better jobs and education.

Many do not want to go home after they graduate from Job Corps.

Most of the Appalachian whites wish to the hills and hollows whence they came.

[From U.S. News & World Report, Dec. 20, 1965]

TROUBLES IN THE JOB CORPS—REPORT FROM A SHOWPLACE

(NOTE.—Heading into controversy: the Job Corps, a major branch of the poverty program. After a full year, some camps stand half empty, the dropout rate is high, class attendance is poor. Critics say the whole approach is wrong. They point to the Corps center at Camp Kilmer, N.J., showplace of the program, as Exhibit A.)

CAMP KILMER, N.J.—The Job Corps is regarded as one of the more successful phases of President Johnson's "war on poverty." Camp Kilmer has been looked on as one of the best Job Corps camps.

The center here has been running for about 11 months. It was set up to handle 2,500 boys. Camp officials say that enrollment now is about 1,250.

In the first nine months, 483 youths dropped out and 20 others were sent home. Eighty-four left to take jobs, enter the armed forces or return to school. December 17 was picked for graduation day, but only three boys were ready to graduate.

Almost all of the boys in attendance were to go home for Christmas. How many come back after the holidays will show how well this part of the poverty war has caught on.

Up to \$6,000 per boy: Camp Kilmer is being run by a private firm on a fixed-fee basis under policies laid down by law and regulations of the Office of Economic Opportunity. The management fee is \$520,000 for a 19-month period. If camp population averages 1,250 for the period the fee will come to \$416 per boy. In all, Kilmer's operations are estimated to cost somewhere between \$3,800 and \$6,000 per boy per year. The boys are paid \$75 per month, only part of it in cash for pocket money.

The staff numbers about 500, or one staff member for each 2.5 boys. If the attendance is raised to the goal of 2,500 the staff will increase to between 700 and 800, or about one staff worker for each three boys.

Corpsmen come from 40 States, with the biggest group from the Appalachia area. About half are white, half Negro.

Big unfilled spaces. The big question that pops into the mind of a visitor is this: Where are the boys? Classes are very small, ranging from two to a dozen or so. The dormitories seem largely deserted, with a scattering of the corpsmen on the campus. The dining hall seemed about two-thirds empty at mealtime. Asked to explain why, official replied: "The place is big."

Vocational-training facilities appear to the layman to be excellent.

The trouble is that in the middle of the school day they seemed mostly idle. An auto-body shop as big as a gymnasium had half a dozen boys hammering on bent fenders. There were three boys in a very large carpentry shop. The training facilities all were there. But the boys were not.

Dormitories appeared spotless. Most had signs warning the visitor to take off his shoes before entering. Corpsmen live four to the room in double-decker beds. The grounds here and there, however, were littered with beer cans and gin bottles, especially in areas away from the administration building.

Vocational instructors appear genuinely enthusiastic about the establishment. Progress of the boys in learning is said to be ahead of schedule.

It was noticed that dozens of typewriters were standing unused in the typing classroom. Dozens of calculating machines were idle in the business-machine classroom. Machines were abundant, but there was a shortage of boys. Yet when officials were asked why there were not more youths at the camp the answer was: "Lack of facilities."

Each dormitory houses 64 boys. Four group leaders live with the boys in each dormitory. The leaders are paid \$6,000 a year plus room. Group leaders are on duty from 3 p.m. to 8 a.m. Each group of boys is self-governing, counted on to enforce the rules.

In addition to four group leaders, each dormitory is assigned three academic teachers and one counselor. Salaries of teachers are in line with those paid outside. The counselors get from \$7,500 to \$10,000 a year.

Class attendance: spotty. There is concrete evidence that class attendance is poor.

One teacher kept a meticulous record. He was supposed to teach 12 classes twice a week—seeing each of his students once every 3½ days. His record shows that his pupils were attending class only once in every 10 days.

Twenty vocations are being taught at this center. They are: auto mechanic service-station attendant, retail sales office administration, office-machine operation, logistics, auto-parts sales, cooking, welding, metal work, auto-body repair and finish, carpentry, electrical work, painting, office-machine repair, refrigeration repair, electronics and appliance repair, plumbing, data processing and offset printing. Many of the boys also train as custodians, or janitors.

Mathematics, science, social studies and communications skills are taught three hours each day. After 3 o'clock in the afternoon the boys are more or less on their own.

An eight-member advisory committee of professors from Rutgers University has made a study of the camp and has been arguing publicly with the Camp Kilmer management over methods.

The advisory group, in brief, is against participation of corporations in the war on poverty. Said the report: "It is well known that corporate hierarchy and military hierarchy are modeled after one another. Top administrators generally are not knowledge-

able regarding the technicalities of training. They see themselves as managers of men, not of program content. Yet, they make significant decisions regarding program, but decisions which give primary consideration to the profit motive."

Those professors who have studied the camp oppose this type of 24-hour residential setup for youngsters from a poverty background, who have been removed geographically from their "life style." The professors are convinced that vocational training is overstressed.

The advisory group would emphasize academic training instead, leaving vocational training to on-the-job projects in a city. They would have the youngsters and the Job Corps enter individual agreements tailored to needs of the youth.

The Rutgers report. The previously unpublished portion of the Rutgers report on the Camp Kilmer Job Corps Center makes the following points, among others:

"It should never be thought that removing youths from their homes and communities is other than a stopgap solution to youth employment problems. Indeed, such an act may be socially debilitating, and produce extremely undesirable results. . . .

"The physical plant should be enormously upgraded to include at least the following—

"Additional social-leisure time buildings which would include bowling, music rooms, additional snack bar or coffee shop sections, expressive art rooms, craft shops and soft-drink night clubs.

"Reduce the population in each dorm from 64 to 36 without reducing the ratio of group leaders. Some corpsmen should have single rooms while others should be two to a room.

"Air-condition the 'living room' area of each wing in the dorm. More comfort should be provided for each room. For example, such things as radios should be regarded as standard equipment, and each room should have a good ventilating fan.

"The monolithic program currently in effect should be replaced by one which is individually tailored for each corpsman. A contract should be entered into which clearly sets forth the responsibilities of the Job Corps to the youth and the expectations the Corps has of the youth. The curriculum should be primarily aimed at upgrading academic study skills of the youth."

The report also recommends "removal of all vestiges of military procedures: recruiting, induction, fences, passes, terminology (AWOL), and the substitution of campuslike social controls. . . .

"Vocational training should be buttressed by on-the-job training. . . . Driver-training courses should be instituted. . . .

"Monthly payment to corpsmen should provide essentials of decent, dignified social and community associations for boys of this age. Minimum provision would permit corpsmen to pay for transportation, telephone calls, to accept personal invitations, to invite dates, to make independent purchases for personal needs, without humiliation.

"If necessary, means to achieve federal legislation for this purpose should be undertaken."

The Job Corps thus is becoming a center of controversy, like many other phases of the poverty program.

EXCLUSIVE INTERVIEW—WHAT'S WRONG WITH JOB CORPS

Why all the stir over the Job Corps? Is it really a failure? What changes are needed? In this interview, Francis Purcell, Rutgers University professor and Job Corps adviser, takes a close look at the program and offers recommendations.

Q. Professor Purcell, is something basically wrong with the Job Corps, in your opinion?

A. In my opinion there was not sufficient planning. Specifically, the Job Corps offi-

chials did not understand the nature of the people they were going to have to deal with. They relied on the rather naïve belief that removing young men from their home communities would enable those youths to partake of middle-class education. This has led to what I regard as the failure of the program.

Q. What do these young people really need most—discipline? Basic training in reading? Or on-the-job training?

A. I think the findings with this group of people in the past have indicated very blunted aspirations on their part. With blunted aspirations they don't see the relevance of academic learning, without which they can't really manage in the job market.

Q. Do they lack motivation?

A. This is one of the biggest misunderstandings held in regard to this program. The very fact that these boys are in the Job Corps attests to their high motivation. The thousands who turn up for the neighborhood Job Corps and are desperately seeking to get into the mainstream of society attest to their motivation.

What happens once they get into these programs, though, is quite another thing. Something happens. They become filled with hopelessness and despair, and they are unable to see the relevance of the programs that have been mounted in the Job Corps to place them in society.

Q. Why does their attitude change after they get into the Job Corps?

A. There are a number of reasons—some which relate to their experiences before going to the Job Corps, some which are due to their experiences after they got to the Job Corps.

I think it has to be understood that this is an exceptionally deprived group of youngsters who have lived in hopelessness and despair. They are school dropouts. Consideration has not been generally taken of the fact that they have been, in a sense, damaged by their life experience to date. They have very little trust that the "establishment" will provide them with the necessary tools to enter life.

And, once they do get to the Job Corps, they find themselves far from home, in an all-male environment, paramilitary in nature, in a camp dominated by white, middle-class values, without sufficient recreational facilities or access to the nearby communities.

They are harassed by local police. They are given a middle-class, junior-high-school curriculum and are expected to learn it. They are not provided equal opportunity so far as vocational choice is concerned. Very often they are kind of pushed or tracked into lower-definition jobs, and they view this with a good deal of hopelessness and despair, too.

Q. Do these youngsters know enough about themselves, about their own abilities and what is needed in the job market, to pick their own vocations?

A. I would say not. I would say, again, this is another weakness of the Job Corps program. Their life experience to date has not provided them with the kind of information and attachment to the world of work which would enable them to make an intelligent decision.

What happens is a translation of their very negative self-images into an occupational choice. Thus, a boy with considerable latent ability may choose to become a custodian or a janitor, based on his own feelings of self-hatred, rather than on his true abilities.

Q. Some Job Corps camps are set up in rural areas, and others are in or near big cities. Which location is better?

A. I would prefer that camps not be set up—period! I would prefer that the Job Corps use existing educational facilities and

create new ones within the area where the youngsters live.

Q. What kinds of facilities would you suggest?

A. The kind of school that I would develop would be one which would enable these kids to bypass all of the dead-end jobs that they're now being trained for. Actually, this is the major recommendation by some very fine social economists.

I think a combination of neighborhood Job Corps which would provide work experience and income along with a solid vocational training would get at the problem best. The thought in mind would be to try eventually to skip a whole step in the social scale to get these kids into some of the more skilled occupations, like being programmers and so on.

KEEPING YOUTHS AT HOME

Q. In other words, do you think taking them away from home is not necessarily a good idea?

A. Exactly. I'm opposed to it. I don't think it's a good idea. It seems to be the basic assumption of the Job Corps, and I think it's naïve.

This erroneous assumption, I think comes straight from Washington—from the Office of Economic Opportunity—and I challenge it.

The idea is that if you take people away from their basic patterns of social association, then they will take on the patterns of a different group, and thus modify their behavior.

But there isn't a differential association going on in a Job Corps camp. They're put right back, in a group, into the cultural style that they left, only under authoritarian traditions.

You see, once you get as many as 1,500 men together, you have to move them about in blocks, and they have to experience things through a more or less monolithic-type program that produces a kind of situation that is referred to in sociological literature as "total institution." This kind of situation really diminishes the capacity of people to participate in a free society, instead of increasing it.

Q. Do you think more money is needed for the Job Corps?

A. Well, I don't know. It seems to me that, if we really want to do the job, if we really want to train these kids in certain kinds of job skills, upgrade them academically so they can pursue a lifelong career in some occupation and not just find a job and lose it because they lack the basic academic skills, then we will have to have the kind of plants we have for our university students and our preparatory schools.

It seems to me that the Job Corps people have a lot of money, and they have some very good plants.

What I object to is a kind of demeaning attitude toward the poor that breaks through and is reflected in these programs. This is what the real issue is about.

If they regarded these youngsters as we regard our middle-class college students, we wouldn't need barbed-wire fences, and the Job Corps wouldn't be so troubled over dropouts.

Q. What do you think of the present system of contracting with private industry to manage the Job Corps camps?

A. I take a very dim view of it. The only thing these private industries have to offer is a system. They don't have the competent people needed to run the programs. They go out and try to buy them, and I don't see any sense in it.

Maybe they are the only ones with the logistical knowhow to get the barracks in shape and to get the heating plant going, and to get the dining facilities up. But the really crucial thing is the program, and I don't see that they have a viable program.

Q. Are you suggesting that the Government itself should run the camps, or that academic people should run them?

A. No, I don't think academic people are better fitted. I think the academic people should be used to design the programs and see that they are carried out. But so far as the running of large camps is concerned—who knows how to do this but the Army? So, you see, I really question the basic concept of large Job Corps camps.

Q. The Job Corps appears to be lagging considerably in its recruiting. At one time it was planned to have about 40,000 in the Corps by the end of 1965, but the total apparently has not yet reached half that number. What is the reason for this?

A. There are three factors operating here: One is that the initial screening isn't working out satisfactory—a screening system in which employment agencies are paid sums of money for screening the boys. A second is that the camps themselves haven't been prepared to accept the large influx of youngsters. And third, quite a few are eliminated during the first two weeks.

I think in one Job Corps center—a large one—about 1 out of 3 drops out in the first two weeks for one reason or another.

Q. What can be done about the dropout problem?

A. It would appear to me that there should be more adequate preparation and a greater sense of continuity from the time of recruitment to the time of arrival in a camp.

I don't think they should take kids who have had no work experience, who have had only a negative experience in the school situation, and send them directly from their communities into the Job Corps without an intermediate experience.

Now, if the Job Corps is going to work, it seems to me that there has to be very careful preparation before the youngster ever leaves the community—an experience in several types of work so that he has some sense of going to a place to learn to do something specific, rather than just having a general sense of being recruited and trying to escape from the particular conditions of his life.

I think with this kind of continuity and careful planning from the beginning all the way through, and by providing the youngster, when he does arrive, with a contract to fulfill what his occupational choice is, you might experience fewer dropouts.

Q. When you say "contract," do you refer to some kind of binding contract that would keep a youth in the Corps for a certain length of time, in return for certain training?

A. No, I don't mean that. I think a contract should be entered into between the corpsman and the camp which clearly sets forth what the camp expects of him: namely, that he learn a marketable job skill, and just what the conditions of this new learning are.

WHY BOYS LOSE INTEREST

Q. Do these boys attend class regularly and in good numbers once they get into the Job Corps?

A. Once they discover that they are facing the same old academic approach, the absenteeism goes quite high. While I don't have all the Job Corps attendance figures, those figures that I've seen show absenteeism averaging up to 60 per cent. I think it is better in the vocational area. The gadgetry there tends to hold their interest longer.

Q. Do you favor the present setup of classes—half academic and half vocational?

A. Actually, I think the Job Corps has diluted its academic teaching in favor of teaching social attitudes and social skills. I have been critical of this.

I think it should emphasize such things as upgrading reading skills and computational

skills at the expense of so-called "social" learning which, I believe, tends to alienate the youngster even more, if it runs counter to his own particular value system.

ADVISERS ASSAIL KILMER JOB CAMP—"FLAGRANT DEFICIENCIES" CITED BY RUTGERS STUDY—STAFF IS TERMED AUTHORITARIAN
(By Joseph A. Loftus)

WASHINGTON, November 16.—Camp Kilmer, the Job Corps's Eastern showcase, has "flagrant deficiencies," in the opinion of a group of university consultants on the project.

These consultants, most of whom are professionals in education and social work on the Rutgers faculty, have collaborated on a report that makes the following findings on the Edison, N.J., training center:

Authoritarian, paramilitary methods used by the administrative staff to achieve behavior control, preoccupation with a "good front," little learning, high absenteeism, crowding, physical violence and inadequate recreation facilities.

The report also found a tendency to view corpsmen as culprits and degrade them in their own estimation, disproportionate concern with punitive measures, a failure to understand the nature and "life styles" of a poverty culture, secrecy, surveillance and frustrated, angry teachers and group leaders.

"At Kilmer," the report said, "it appears that a kind of middle-class colonialism is occurring with the corpsmen subjected to the value system of the Kilmer staff."

Camp Kilmer is operated for the Office of Economic Opportunity by the Federal Electric Company, a subsidiary of International Telephone and Telegraph, to prepare poor youths, most of them school dropouts, for jobs.

Rutgers University has a subcontract to advise Federal Electric on the curriculum and teaching methods.

Federal Electric hires the administrative staff, the teachers, and the group and section leaders. The company is free to accept or reject the advice of the Rutgers consultants. It has adopted little of that advice, in the consultants' opinion.

At Paramus, N.J., a Federal Electric spokesman commented: "It's an internal communication. Rather than a report, it's a series of talking points to be discussed by the prime contractor and the subcontractor."

The consultants' report was dated Sept. 30 and was given to Federal Electric and to Rutgers officials about that time. Formally, the report covers a six-month period ended July 30, but an addendum updates it to Oct. 8.

The report had been treated as a secret by all concerned in New Jersey and Washington until a copy was made available to The New York Times.

The following, styling themselves the Rutgers Advisory Committee were said to have collaborated in writing the report:

William Bingham, a lecturer in the School of Education, Assistant Professor Philip Edgcomb, Professor Ed Fry, Professor Maurice Hillson, Edmund Jenuasitis, an administrator, Associate Professor Marjorie Murphy, Professor Francis Purcell, and Eleanor Ross, a graduate student in social work.

Publication of the report brings into the open an underlying conflict over the merits of residential training centers and who is best qualified to operate them.

Federal Electric has been credited by the top-most officials of the antipoverty program with operating one of the most effective Job Corps centers. Kilmer is the center that Sargent Shriver, the director, exhibits to visitors.

The Rutgers consultants credit the company with effective public relations control but little else that is positive.

The contract between Federal Electric and Rutgers provides that "no news release, public announcement, denial or confirmation of same or any part of the subject matter of this subcontract or any phase of any program or task hereunder shall be made without the prior written approval of F.E.C. contracts administration."

The Rutgers groups report made many recommendations for improvement, but took a gloomy view of Kilmer's future under a profit-motivated corporation in the present setting.

"The placement of 2,500 [about 1,500 so far] low-income, school dropout youths in an abandoned Army post, in a program designed and administered by private industry is at best a chancey proposition," their report said.

"The success of such a program if success is a possibility, depends upon the commitments to the youths served," it said, "on willingness to expend substantial resources, on application of advanced technology in education and related fields of human relations, and on appropriate subordination of organizational values and beliefs in deference to human considerations which affect the experience of the corpsman."

"Recently it seems that social control over the behavior of the corpsmen has become the definition of success of the original goal to provide the corpsmen with marketable job skills is no longer the foremost consideration."

Another paragraph came close to condemning the whole concept of the residential approach used by the Job Corps. It said:

"It should never be taught that removing youths from their homes and communities is other than a stop-gap solution to youth employment problems. Indeed, such act may be socially debilitating, and produce extremely undesirable results. The following recommendations might overcome some of the flagrant deficiencies cited in this report."

Some of these recommendations were:

Appointment of "at least one central administrator who is qualified by top-flight training and experience in education, youth work or a related field of welfare."

The "autocratic-authoritarian type of administration should yield to a type of approach which would serve as a model for future democratic living by corpsmen."

The physical plant should be "enormously upgraded."

The "monolithic program" currently in effect should be replaced by one which is individually tailored for each corpsman.

The report also argued that vocational training be buttressed by on-the-job training. "Training courses should be instituted to prepare youths for leadership in their home communities and to participate in community action programs," it said.

**[From the New York Times, July 6, 1966]
SIX FLORIDA JOB CORPS GIRLS ARE OUSTED FOR DRINKING**

ST. PETERSBURG, Fla., July 5.—The assistant director of the controversial Women's Job Corps center here disclosed today that six girls had been dismissed from the program for being drunk.

Betty Gardiner said the girls had returned to the center from Saturday night dates "highly intoxicated." She declined to identify them, but said they were "chronic misbehaviors."

The center, which opened in April has been criticized recently for alleged immorality, disturbing the serenity of the area with loud noise, rock 'n' roll and boy friends.

The dismissals bring to 37 the total number of trainees who have been dismissed or voluntarily left the federally sponsored program, which is designed to give the girls the education and training needed to become self-supporting.

**[From the New York Times, May 6, 1966]
SHIFT BY JOB CORPS AT ST. PETERSBURG STIRS NEW DISPUTE**

ST. PETERSBURG, Fla., May 5.—The women's Job Corps program in the resort and retirement city is embroiled in a new controversy—whether it should be allowed to move its center to a hotel on the downtown Tampa Bay waterfront.

Mayor Herman Goldner said that relocating the 14-month-old center "would at least jeopardize and possibly kill" the city's \$45 million waterfront redevelopment program.

The relocation proposal was announced in Washington yesterday by Dr. Franklyn A. Johnson, national director of the Job Corps. Today the City Council authorized City Manager Lynn Andrews to "take any and all legal steps necessary" to prevent the relocation.

The center is now in the Huntington, a former resort hotel in a quiet, residential neighborhood near the city's downtown area.

Since it was opened, the center has been a hub of controversy. City officials contend that the Job Corps promised to keep the ratio of Negro to white women at 1 to 15, but that 75 per cent of the center's 247 girls are Negroes.

Residents of the neighborhood contended that the girls and their boyfriends made love underneath the hotel's palm trees and disturbed the residential quiet in speeding automobiles.

There had been a number of drinking incidents, but none recently.

Dr. Johnson announced that the center would be moved to the Soreno Hotel, a 269-room hotel that was opened Jan. 1, 1924, as St. Petersburg's first multimillion dollar luxury resort hotel.

WASHINGTON, May 5.—An amendment that would place at least 10,000 women in the Job Corps by July 1, 1967, was adopted today by the House Education and Labor Committee.

**[From National Review, Oct. 19, 1965]
IT'S WHAT'S HAPPENING, BABY**

(NOTE.—What's it like to work in a Job Corps camp? The author, a former camp official, gives a graphic picture of the problems, most of which boil down to poor discipline.)

"Spoil these boys—they have never been spoiled before."

That was the statement of the director of orientation to a group of newly-hired "resident advisers" (RAs) at the Camp Atterbury Job Corps Center near Columbus, Indiana this July. I was one of six men taken on that month to help deal with several hundred youthful "corpsmen" gathered from across the nation to participate in the Johnson Administration's "war on poverty." The director's words summed up, all too exactly, the prevailing view at Atterbury.

For a month after this session, I was involved in one of the strangest episodes in the history of American welfarism. At the beginning of this period, Camp Atterbury had about 450 enrollees and more than 450 employees. Out of this total, fewer than 70 employees worked directly with the corpsmen—meaning upwards of 380 people were engaged in "administering" a program being carried out by fewer than 70.

The job of the resident adviser, living in the barracks with more than 100 corpsmen, was hard enough under the circumstances. But it was rendered almost impossible by the "spoil them" policy instituted by the men at the top. Discipline at the center, containing hundreds of boys who had dropped out of school and scores who had been in some kind of trouble, was almost nonexistent. The results were exactly what might have been expected.

SODOMY COUNT DISMISSED

The public got its first inkling of what was going on at the Atterbury encampment when seven of the corpsmen were arrested for committing sodomy against a fellow enrollee. Incredibly enough, the charges on this count were dismissed; five of the boys were returned to their homes and two others were allowed to re-enter the program at Atterbury. The director of counseling explained away the incident as attributable to "challenged manhood," and described the boys as the kind "we should be trying to reach in the program—aggressive, hostile but savable."

While this was the most sensational episode, it was far from being the only one. Thievery was rampant and corpsmen did not dare leave anything of value unguarded. Many of the more law-abiding corpsmen were in constant fear for their personal safety. Bullies and gangs were well-organized, and fights were a normal everyday occurrence. Firecrackers were exploded in the barracks causing fear among staff members that corpsmen might be seriously injured.

H. C. Brown, a reporter for the Indianapolis News, summarized some of the difficulties as follows: "Gangs were organized. Fights between corpsmen, although lacking racial overtones, were frequent. Smaller, weaker corpsmen became the targets of ruffians who operated protection rackets. Nonmembers were required to pay a dollar a month for protection or face gruesome penalties. One report said corpsmen who couldn't pay protection were either beaten or sexually assaulted. The assaults sometimes took the form of gang rapes."

All of this was well known to everyone at Atterbury. Top-level officials, however, attempted to hush up such incidents or to pass off those which filtered out to the public as isolated matters. When local newspapers reported some of these episodes, a national Job Corps official blamed Atterbury's bad "image" on the "hostility" of Indiana citizens, saying the misbehavior of corpsmen was traceable to their feeling of "rejection" when they visited surrounding communities.

I can testify from personal experience that this was simply a feeble attempt to pass the buck. The Job Corps had assembled a mixed group of youngsters, some of whom wanted to be helped, some incorrigibles terrorizing the others and causing trouble outside the center. All of these boys were mixed together without adequate planning, without arrangements for full and effective supervision, and, most important, without any realistic measures to enforce discipline.

VOCATIONAL COURSES INEFFECTIVE

The boys came, typically, from impoverished backgrounds. Many of them had little or no effective schooling of any sort, although they were supposed to be equipped with basic elementary school education sufficient to get them through a high-school equivalence test. Ranging in age from sixteen to twenty-one (some were in fact twenty-two), they were scheduled to receive training in five areas of vocational guidance; heating and air conditioning, food services, electrical repair, building maintenance, and auto mechanics. Unfortunately, none of the vocational courses was set up to operate effectively while I was there.

The corpsmen divided by and large into two groups: Negroes from large metropolitan areas, principally Chicago, Detroit and Cleveland, and some Negro youngsters from the Deep South; and young white farm hands from the border states. The two groups did not mix well, to put it mildly, and several altercations at the camp broke out along these lines of division—for example, a dispute over whether a barracks should listen to rock'n'roll or hillbilly music. Among my charges was one young man who had been a

pimp in Youngstown, Ohio, and who wanted job training as a front for his activities; another who was on probation for assault and battery and chose the Job Corps over going to jail; and yet another who had quit a low-paying job because he preferred the presumably easier life at the Job Corps.

Many of the corpsmen were brought to Atterbury by "bounty-hunters"—recruiters paid eighty dollars a head to round up enrollees for the program. To swell their take-home pay, these recruiters would tell prospective corpsmen fantastic stories of a Big Rock Candy Mountain life at Atterbury, in which they would live in comfort while being trained to operate IBM computers and other advanced equipment. As noted, no such training was available. In an effort to conform to Sargent Shriver's edict to "have 10,000 boys in bed by May 1," enrollees had been recruited haphazardly, so that most of them simply sat around waiting for something to do. This created an atmosphere of restlessness which contributed to the disciplinary problem.

As a result of fear, boredom and general discontent, boys left the center in droves. As of April 28, there were 633 boys at Atterbury; at the end of August, there were around 345. Boys went AWOL (a euphemism there for leaving altogether) by the dozens almost every night, a sure sign the place was in virtual chaos. Yet if these runaways could be found and brought back, no penalties were imposed. This meant that the granting or withholding of passes, which might have been an effective disciplinary tool, was meaningless, since the boys could in fact come and go as they pleased.

Despite all this, documented not only by personal observation but by numerous reports in Indiana newspapers, Job Corps officials persisted in denying there was any serious disciplinary problem at Atterbury. The coddling of troublemakers went on as before. The only change was a concerted effort to improve the Atterbury "image" by taking newsmen on guided tours of the center and having them interview some of the better boys. Center Director James Bryner sent out one directive urging publicity for a boy who had "earned" a week-end pass as a suggested counterweight to stories about the sodomy case. For some reason, local newspapers did not consider the two events equally newsworthy.

That discipline problems were serious and continuing can be judged quite easily by reading the various directives sent out by Bryner and other officials, a fat sheaf of which I have in my possession. One directive, for example, forbids shaving with straight razors, a favorite weapon of some of the corpsmen during intramural disagreements. Another directive notes that women employed at the Center should not move from place to place without an escort. As for the over-all standards of discipline, one communiqué from Dr. Bryner rejoiced that at one point only 20 per cent of the enrollees were failing to go to class sessions and other scheduled activities, although all of these things are supposed to be mandatory.

PERMISSIVENESS THE PROBLEM

When the newspaper publicity got bad enough, the top officials tried to clean things up by shipping the worst of the troublemakers to other centers—laterally the problem to someone else rather than attempting to solve it. At no point did they admit their own "permissive" policies were at the root of the problem—a fact which any resident adviser could have made clear to them if they had cared to ask.

There were one hundred and twenty boys in my barracks, most of whom could contribute to society with proper training, some of whom were simply troublemakers. Having previously served as a teacher, proba-

tion officer and a counselor of young people, I felt the best way to deal with these boys was to show them I meant to be fair, but would accept no nonsense. If someone got out of line, he could expect to be dealt with accordingly. Those who behaved as decent citizens would be treated fairly.

Unfortunately, this proposition could be conveyed to the boys only as a broad, general hint, since the advisers had almost no sanctions to back them up. If an adviser found a corpsman engaged in illicit activity, there was nothing he could do about it except the following (verbatim quotes from our written instructions): "Courteously but firmly direct the corpsman's attention to the deviant behavior and suggest remedial action; if the corpsman fails to act upon constructive suggestion, request ID card of the corpsman; write a brief report of the incident and forward same to the guidance director; if the corpsman refuses to surrender ID card for the purpose of identification for the incident report, attempt to secure identification from bystanders."

It takes no hardened leader of men to see this procedure is a poor remedy for acts of mayhem and vandalism. As a result, precisely such acts occurred repeatedly. As top officials turned down a request by a committee of resident advisers for a set of graduated penalties for designated offenses. Small wonder local law enforcement officers charged the Job Corps Center was "a monster" which officials couldn't control. One boy, who finally left the center in despair, told me his life at Atterbury was "a man-made hell."

Despite the official "spoil 'em" policy, some of the advisers, refusing to be intimidated, were able to keep a semblance of order. But when the heat got too intense for the officials up top, it was precisely these advisers, myself among them, who were picked out as scapegoats. Along with eight other advisers, I found myself discharged without notice, without prior complaint and without specified cause a month after I had been hired. The reason, according to Center Director Bryner, was that the nine of us were either "too permissive" or "too rigid" in our dealings with the boys and therefore unable to maintain discipline. In issuing this statement, Bryner said discipline was being enforced, that boys who got out of line could be threatened with discharge from the Corps.

That assertion was completely false. I have in my possession a communiqué from Job Corps headquarters in Washington initiated by Bryner himself shortly before this dispute broke out, which says: "No dismissals from Job Corps can be made by centers without getting prior approval from Job Corps headquarters. . . . Under no circumstances, explicit or implicit, should a resignation be asked for or the opportunity to resign offered." (Emphasis in original.) After this issue was ventilated in the Indiana press, Bryner acknowledged to two visiting congressmen that corpsmen could not, in fact, be dismissed from the program.

Resident advisers and counselors were powerless to enforce discipline because the reigning policy in Job Corps headquarters in Washington was in favor of "permissiveness." Apparently Sargent Shriver and his fellow fighters believed the way to deal with case-hardened young toughs is to "understand" them and identify with them. The result was catastrophe.

As for the merits of the charges against myself and the other advisers, I can only note that, however good or bad the job I did, it could hardly have been responsible for Atterbury's troubles, which existed long before I got there and continued after I departed. And although I had my full share of problems I believe I was able to get through to some of the boys. The *Indianapolis News* reported shortly after my dismissal

that the boys in barracks were conducting a petition drive to have me and the other resident advisers brought back to Atterbury.

STRICTNESS PENALIZED

The *News* also interviewed others of the discharged RAs, whose observations were similar to my own. Ed Smallwood, a former Little All-American basketball player from Evansville College, said: "There was no threat we could use or anything we could do, except pass information to higher authorities." The *News* said Smallwood believes he was discharged because he tried to be strict with the cropsmen. Bill Woods, of Indianapolis, another RA fired by Bryner, said: "Bryner is seldom around. He doesn't know the problems faced by the RAs." Still another RA is quoted, in another story, as saying: "We can't even make a cropsman cut grass or assign him to washing pots and pans for misbehavior. These kids do exactly what they want to do, and nothing more."

The key difficulty was, and is, on the evidence of news stories still emanating from the Job Corps (for example, a riot at a raceway in Indianapolis involving 25 cropsmen), lack of discipline. The disciplinary steps suggested by the committee of advisers still provide the nucleus for necessary reforms. Some useful suggestions include: give advisers authority to threaten cropsmen with denial of passes and with discharge from the program if necessary; allow the cropsman to do necessary work in the maintenance of the Center; set up a security force with real authority to crack down on such things as illegal use of alcohol; and allow resident advisers to discipline cropsmen by giving them K.P. and other such assignments for lesser offenses.

The problems at Atterbury are just what should have been anticipated from the official effort to smother tough youngsters with loving kindness, and to prevent those in direct contact with them from taking normal disciplinary measures. Many of the kids in the Job Corps are worthy of help; but as long as Liberal Ideology takes precedence over fact, Sargent Shriver's program will not be able to provide them with it.

[From the Washington (D.C.) Post, June 13, 1965]

JOB CORPS CENTER AT CATOCTIN PLAGUED BY A 30-PERCENT DROPOUT

(By Jean R. Halley)

Like many schools, the Job Corps Center at Catocin Mountain Park in Maryland has been having its dropout problems.

Since it began last January, more than 30 per cent of the youths accepted there under a program of education and job training have headed in other directions.

Some quickly learned enough to be accepted by the armed services. Some were spurred into returning to school. A few transferred to urban Job Corps Centers as such centers were established.

Those accepted elsewhere accounted for 12 of the 162 youths 16 to 21 who enrolled originally and are considered to have "graduated" from Catocin.

But another 50 dropped by the wayside after they found work and rules difficult to abide by.

"They were boys who just couldn't fit into group living," according to Al Maxey, director of the Center.

He acknowledged that the 30 per cent dropout figure did not look good compared with an average of 18 percent for other centers.

"I guess we'll always be saddled with that, but we were the first Center to get started and the other camps learned a lot from our lessons," he said.

One of Catocin's major difficulties, Maxey said, was that it did not have time enough to train its staff before the first group of volunteer youths appeared at the Center. It is near Camp David, a mountain retreat for Presidents first used by Franklin D. Roosevelt, and was once the site of a Civilian Conservation Corps camp.

Because the staff was undertrained and pressed for time, it was unable to give some of the youths enough counseling, Maxey said.

The operation at the Center has been improving and the trend toward dropouts has been declining, he said.

The camp continues to receive additional youths in small groups. Some leave shortly after they arrive, but most of them stay.

A few who have taken off have not gone far before telephoning the Center and asking for transportation back, Maxey said. As a result, the Job Corps now will provide that transportation but will deduct the cost from the \$50 a month credited to the youth's account and payable when he finishes his camp work.

A JOB CORPS CENTER LOSES 40 PERCENT OF BOYS

(By Joseph A. Loftus)

WASHINGTON, June 11.—The Job Corps center at nearby Catocin, Md., has lost more than 40 per cent of its enrollment.

Officials of the Office of Economic Opportunity said that Catocin, an early starter in the program, had moved too fast too soon but that things had now settled down.

Because it was an early starter, and because it is close to Camp David, Md., a Presidential retreat, Catocin has received national attention. President Johnson made an inspection visit there a few months ago.

Catocin enrolled 162 boys 16 to 21 years old, largely high school dropouts who were virtually unemployable because they lacked education and job skills. For various reasons, including low education standards they were not acceptable to the armed services.

The purpose of the Job Corps is to give such youngsters a new chance to help themselves.

Twelve of the 162 left for such reasons as acceptance by the armed services, transfer to an urban center, return to high school or gainful employment.

Fifty others quit or were washed out for bad conduct or other reasons since the camp opened in January.

Some youths walked off the reservation and changed their minds after traveling a few hundred miles. They telephoned the camp and asked for transportation back.

This problem has led the Job Corps to adopt a policy of providing return transportation and deducting the cost from the \$50 monthly allowance that cropsmen receive on "graduation."

Some boys leave because they are homesick.

"Maybe home isn't much as we know it, but it's home," one corps official said.

STAFF TERMED INADEQUATE

The Catocin rate of departure because of failure or a desire to leave was about 30 per cent. This compared with a rate of about 18 per cent for the Job Corps as a whole.

Catocin was used to train Job Corps staff members, but the center's own staff, because it had to get ready for the first 30 volunteers, did not have time to undergo the training. Al Maxey, director at Catocin, said that one reason for the high dropout rate was an inadequate and untrained staff in the early days.

Another problem, he said, was the misconceptions held by the early cropsmen. Some

said they had not known they would have to work or that there would be rules. Now the screening is better, Mr. Maxey said.

He used to get calls from the sheriff telling him, "Some of your boys are down here."

"I feel we're over the hill now as far as the people in nearby communities are concerned," Mr. Maxey said.

A LACK OF COUNSELING

Mr. Maxey also said that some early dropouts might have been saved "if they had just two more hours of counseling, but the counselor was so busy with other things that he just didn't have time to give those two hours."

"Now we have more time for counseling," he said.

Occasionally a boy arrived carrying a pistol or a knife, but there have been no fights with such weapons, or even a serious fist fight, the Catocin director said.

"I'd a lot rather take a group of my boys some place than a group of college boys" said Mr. Maxey, a former college professor.

Chris Weeks, deputy director of the Job Corps, said, "A lot of the problems at Catocin were problems of the Job Corps. We had a lot to learn. There were many things we had to work out, even such things as how the volunteers got their pay. Some volunteers at Catocin didn't get paid for two months."

Cropsmen get \$30 a month, paid currently, and \$50 a month payable when they finish their camp work.

[From the Washington (D.C.) Post, Feb. 8, 1966]

VISTA CRITICS OF VIET POLICY FACE FIRING

(By Gerald Grant)

Four VISTA volunteers were threatened with loss of their jobs after they wrote to the White House saying they were planning a march here to protest the Vietnam war.

The young recruits in the Federal anti-poverty program were summoned to Washington last week when the Office of Economic Opportunity learned they were sponsoring the march under the VISTA banner.

A spokesman for OEO said yesterday that the volunteers were told that they could espouse any cause they wished as private individuals but they could not identify VISTA with controversial viewpoints.

They were told they would be asked to resign or could be fired if they did not do so, added the spokesman, James F. Kelleher, deputy director of public affairs.

The volunteers, who work in New York in a Harlem housing program, were also warned that they could not use their apartment as a headquarters for their protest activities.

The apartment, which is rented by two of the volunteers out of a monthly allowance provided by VISTA, is paid for with Federal funds and is identified with the program, Kelleher declared.

He said it was not an ordinary apartment but was a kind of outpost from which the volunteers worked in the community.

VISTA (Volunteers in Service to America) is a kind of domestic Peace Corps, furnishing volunteers to a variety of social and welfare programs.

The volunteers—John A. Kirkley, 21, Robert D. Mitchell, 21, Richard L. Adler, 20, and Larry Cripe, 22—agreed to drop the VISTA name from their efforts.

But they were not convinced that they should refuse to use their apartments for their outside activities. In a telephone interview yesterday, Kirkley said they might see a lawyer about that point.

However, they changed the name of their Washington march from "VISTAs for Peace" to "Poverty Workers for Peace."

[From the Washington (D.C.) Evening Star,
Feb. 7, 1966]

FOUR IN VISTA WARNED ON USE OF AGENCY NAME IN PROTESTS

(By Robert Walters)

Four young VISTA volunteers who wrote to the White House protesting U.S. policy in Viet Nam say they were summoned to Washington and threatened with dismissal from the federal antipoverty program.

A spokesman for the Office of Economic Opportunity said the four were told last week that they were "entitled to propound any point of view they wished, as individual citizens."

However, the spokesman said, the volunteers' letter to the White House included announcement of a planned Washington protest march to be organized by "VISTAs for Peace."

The four were told they would be asked to resign or would be fired if they continued to refer to their VISTA affiliation in public protests of U.S. foreign policy, the OEO spokesman added.

VISTA (Volunteers in Service to America) is the domestic version of the Peace Corps. Volunteers receive a living allowance and a small monthly salary for one year of service in a local antipoverty program.

The four volunteers work in New York City. They said they wrote a letter to the White House about a week ago, asking for a cease-fire by U.S. troops in Viet Nam and an end to bombing raids on North Viet Nam.

Last Tuesday all four received telegrams from OEO ordering them to report to OEO headquarters here on Wednesday, they said.

In Washington, they were questioned by five VISTA officials, including Dr. Daniel Thursz, associate director in charge of program development and field operations.

The volunteers were specifically criticized for identifying themselves as VISTA workers in their letter to the White House, and were told that any future public statements on controversial issues must omit any identification with the federal agency.

The four said they also were told that they could no longer use as headquarters for their end-of-the-war activities a Manhattan apartment rented by two of the volunteers.

OEO officials said the apartment was being rented with the aid of federal money—the monthly salary—and thus could not be used for such political activities, the volunteers reported.

The volunteers said they were warned not to engage in political activity during the time they were fulfilling their obligation to the federal agency and were told that letters to newspapers and other public statements on Viet Nam should contain no identification of their employer.

They further were told that no public statements were to be issued concerning the dispute, the VISTA workers said.

The four were identified as Richard Adler, Robert Mitchell, John Kirkley and Larry Crippe. They are among about 80 VISTA volunteers working in New York City.

"Most of us have participated in marches as private citizens. We wanted to bring it (the Viet Nam debate) closer to the poverty program," said one of the four, who asked not to be identified.

He said the OEO restrictions "begin to infringe on our constitutional right to free speech."

An OEO official said limitation of the volunteers' right to free speech was "the farthest thing from our minds." The decision to forbid identification with the poverty program was made because OEO could not allow "any small group of volunteers acting as a spokesman for all VISTAs in any matter."

The four volunteers said that before the confrontation with the OEO officials they had planned a Feb. 12 march in Washington, from the Lincoln Memorial to the White House, to protest the Viet Nam war.

They had planned to organize the march under the name, "VISTAs for Peace," but have now changed it to "Poverty Workers for Peace" and have rescheduled the march for Feb. 26.

[From the New Republic, Mar. 19, 1966]

VISTA, ON A CLOUDY DAY

(By Andrew Kopking)

Some of the loneliest posts in the War on Poverty are manned by VISTA volunteers, an improbable army of adolescents and grandparents and various gradations in between. At last count, there were 1,922 VISTAs (Volunteers in Service to America), scattered along the "front line" of the anti-poverty campaign from Eskimo villages in Alaska to migrant workers' camps in Florida, in mental hospitals and Job Corps centers and the depths of urban ghettos.

VISTA is not the biggest gun at the Office of Economic Opportunity; compared with the community action program, for instance, it is of rather small bore. But the idea of sending forth poverty fighters in crusading wave after wave from Washington has a special appeal for those who seek to attack the institutions which permit and encourage poverty. The question that many of them are beginning to ask is whether they will be allowed either targets or victories.

"When I started out I felt like a knight in shining armor. I was going to lead the people out of poverty and into the Great Society," one young California volunteer said. He came to VISTA last summer; now his sights are somewhat lower. And despite some advance warning to that effect during a short training period volunteers are largely ill-prepared for what happens to them.

Their problem, and VISTA's, is largely one of definition. It is almost impossible to describe what VISTA is or what the volunteers are supposed to be doing on a national scale. That is not necessarily a killing disability, but it does lead to frustration. "In any war there are lots of needs," said Daniel Thursz, who is a new VISTA associate director, and a sort of official theoretician. "We're not true believers. There is not one way to fight poverty." In fact the concept of a national service corps, or a "domestic Peace Corps" did not have its origins in the poverty war at all. It was part of the Kennedy Administration's plan to infuse America—particularly young America—with a new zeitgeist, to "get the country moving again." But politics took precedence over spirit; the concept was picked dry and buried in 1963 by Iowa's fierce Republican watchdog, Rep. H. R. Gross, and dug up in the last week of polishing the Economic Opportunity Act in 1964. Title VI of the Act said there would be a VISTA, and the bureaucrats sat around for months thinking up things for it to do.

What they came up with, after rather long delays, was a fine plan for recruiting, training, supplying, paying and supervising great numbers of idealistic volunteers—for the use of others. All volunteers are assigned to local agencies: city administrative agencies, community action boards, hospitals, Indian tribal councils, Job Corps camps, preschools, welfare departments, settlement houses, neighborhood organizations, courts of law and a lot more categories. There are now 215 local and private agencies with VISTA; there will be 350 such projects soon. Volunteers get "subsistence" wages and a small allowance, but the program is more expensive than it sounds; it is calculated that volunteers get about \$4,200 a year in pay, goods,

services and benefits. For the most part, they are young, although there are jobs for the very old, too.

There is no lack of demand for volunteers, but there is a problem of finding the best agencies to which they will attach themselves. VISTA officials constantly fight the "numbers game"—the pressure to put a great many people into as many programs as possible in the shortest amount of time. But in the absence of a VISTA strategy for attacking poverty, it is impossible to tell what the proper projects are. Is the idea of VISTA to help the poor gain power in their communities? Is it to provide services for poor people? Is it to motivate the poor to help themselves? Or is it, at bottom, a way to expose middle-class volunteers to poverty, in hopes that they will then be more socially useful citizens?

As it is now, volunteers do a lot of "good work" without knowing how it is all contributing to changing the conditions which cause poverty. It is hard for officials to assign priorities: no one is sure whether it is better to put 20 volunteers to work organizing rent strikes in Harlem or assign them to the New York City housing board to inspect slum conditions. The method of assigning volunteers to local agencies smoothes political and administrative lines, but might the impact be greater if the attacks were concentrated on one or two problems (those of migrant workers or Indians, for instance), or in narrower geographic confines? Some volunteers think that VISTA should have its own projects—run independently of local groups so as to avoid politics.

But as a government agency, VISTA is circumscribed. Officials have to live with the veto power Congress gave to state governors over VISTA projects. There have to be local sponsoring agencies and they must be placated. Already, VISTA has been snarled in political hassles. Thirty-eight volunteers in Newark were dismissed by the city administration which had hired them; presumably, they were "getting in the way." Six of the youths wanted to stay in a Newark slum and work with a "community union" helping Negroes to organize an activist group. VISTA gritted its teeth and for a time considered the possibility of accepting the union, which was founded by members of the Students for a Democratic Society, as a sponsoring agency. Finally, however, "technical omissions" were found in the group's application form, and it was denied (four of the volunteers quit VISTA, two were banished to other cities). Privately, officials said it would be "highly unlikely" that volunteers could ever work with such social action groups because of their tendency to support "political candidates." "VISTA is not interested in political change," said Glenn Ferguson, the VISTA director. Instead, it encourages a kind of "cultural change."

But the presence of volunteers nearly always has a political effect, even if the reasons for their assignments are nonpolitical. The 38 volunteers in Newark were quite clearly political instruments. So were a group of VISTAs in southern New Jersey, who complained that their programs were being ignored because of an election campaign. Many volunteers work for community action boards, which in every city in the country are enmeshed with local politics. In the biggest cities—Chicago and New York, for example—the politics of antipoverty agencies are big-time and reach as high as the White House.

In its first year of operation, VISTA has had its muddles and mistakes, and critics are perhaps too quick to point to them as evidence of the failure of the idea. Many volunteers are wasted, by any test of value; one

girl wound up acting as an interior decorator for a settlement house director, another volunteer turned out to be a glorified chauffeur for his agency chief. Many more are involved in busy work, and some in not very much work at all.

More serious is the deficiency of their training and supervision. The VISTA program is primarily a one-year stint (volunteers can reenlist if they want). Training is for six weeks, but by everyone's standards it is inadequate. But how can it be otherwise? Training for what? The difficulties of preparing middle-class volunteers to work with the poor in a constructive way are enormous. And once on the job, the volunteers rarely get the kind of help they need from their sponsors—many of whom are part of the old system of welfare and settlement-house work which the new volunteers would like to change. Now VISTA is beginning to hold regular volunteer conferences, so that the workers may be able to make some sense of their experiences.

By the end of June there will be 3,000 volunteers. A year later, there will be 4,500. No doubt the number will grow thereafter, and the presence of all those people in poverty pockets around the country is bound to make some difference. In the most primitive areas—among the Eskimos, or in isolated rural communities—the volunteers are providing services and a contact with the rest of the world that no one else has done. It is not a question of "extra staff for understaffed social agencies" as it may be in some large urban settings. In the places where young VISTAs work with the young poor—in a semi-recreational way—there are immediate benefits; dropouts are dropped back into a more constructive life. For the elderly poor, or the mentally ill or retarded, and to a large extent the rural poor, no amount of "community action" can make a difference in their lives; they need the kind of simple, individual attention that VISTAs, and very few others, are willing to provide.

At such levels the expense and the bureaucracy of VISTA are justified. But it is "overselling" VISTA (as one of the early task-force members recently said) to claim that it is a major contribution to ending poverty in the United States. The poor need money, jobs and power on a large scale; all three require equally large-scale shifts in the political and economic relationships of the poor and the rest of society. The built-in restraints on VISTA's activities will make it difficult for the volunteers to work for very much more than incremental changes and benefits for the poor.

The unique role of VISTA, increasingly, will be not so much what it will do for the poor as what it will teach others—the volunteers and the Washington officials—about poverty. The antipoverty war is first of all a process of learning. It was only a few years ago that most Americans began to wonder what was going on in their own cities among the "invisible" underclass of the poor. The best way to find out how the poor got that way, and what it might take to change their lives, is to work with them, as the volunteers do.

"Most of us didn't know what we were getting into," a VISTA girl from a small town in the Midwest said a few weeks ago. "The first thing that happened was that we found out how bad life can be. I guess that's the first step. I hope in a year we can find out what the second one is."

[From the Washington (D.C.) Post, Sept. 21, 1965]

JOB CORPSMEN ACCUSED OF RAPE
FLAGSTAFF, ARIZ., September 20.—Four young men from a Job Corps forestry camp were charged here today with the rape of a 17-year-old Indian girl.

Flagstaff police arrested the four, one of them a juvenile, on Saturday night after the girl complained she had been taken aboard a Job Corps bus, given whisky, then taken to a dark alley and assaulted.

Three of the youths were identified as Jacob L. Caine, 19, of Jacksonville, Fla.; James A. Ford, 19, of 130 57th pl. se., Washington, D.C., and Gordon T. Skelton, 20, of 1229 Raum st., Washington, D.C. The juvenile who is 17 is from Jackson, Miss. All four youths are assigned to Heber, Ariz.

[From the Wall Street Journal, July 8, 1965]

JOB CORPS MISFIRE—FIRST WOMEN'S CENTER RUNS INTO TROUBLE IN FLORIDA

(By Richard R. Leger)

ST. PETERSBURG, FLA.—Uncle Sam's first Women's Job Corps center, in operation here for only three months, is already demonstrating a truism evident for decades in public housing and foreign aid: A policy of blank checks and loose controls can produce a debacle of amazing dimensions.

The city fathers here last week voted to throw out the Job Corps venture, amid the applause of local hotel men, realtors, merchants and tourist agents. The Pinellas County School Board, which set up and operates the center for the Government, wants out when its contract expires next year, if not before. In addition, the Job Corps director here resigned last week, and lively scandals about the project are making the rounds coast to coast.

The Job Corps center here is one of about 100, some for boys and some for girls, the Federal Government hopes to have in operation within six months. The centers, which seek to teach useful skills to currently "unemployable" young people, have a requested budget of more than \$200 million for the fiscal year ending June 30, 1966.

The complaints of the St. Petersburg folks, while spiced with lively tales of unchaperoned smoking, drinking, boy-chasing teen-age girls, are rooted in economics. The Job Corps venture is being carried on a few blocks from the downtown area in the Huntington Hotel, an old five-story, gray stucco building located among hotels and boarding houses catering to retired folks. These "neighbors" are the source of most of the complaints about the Job Corps venture.

THE DEPARTING GUESTS

At least seven of the nearby hotels report they've lost full-time guests because of the noise of the young girls and rowdiness of the boys who come to court them. For example, the Bond Hotel, just across Second Street from the Huntington, has had 13 year-around guests leave in a huff in the three months since the Job Corps center opened. Summertime transient bookings total only six, down from 23 last year, complains owner Nin Bond.

Realtors also have joined the cry. "Demand for neighborhood property already is falling off and it's obvious the whole city will eventually suffer," declares Richard D. Tourtelot, whose office is four blocks from the center. "In the last few months, we've had virtually no inquiries for property in this area. Last summer they ran in the dozens."

All this emanates, according to local folks, from moving 270 young girls—50 percent of them Negroes, 90 percent of them school drop-outs and all of them with seven-night-a-week dating privileges—into a Deep South hotel smack in a neighborhood which long has boasted of quiet, subdued surroundings that make retirement and old age pleasant. Hotel guests were soon complaining of "shocking things" going on in cars parked just outside their windows. Hot-rods make such a continuous uproar that all patrol cars are ordered to pass along the street whenever in the area. The complaints became so nu-

merous that Police Chief Harold Smith three weeks ago assigned two officers to the building seven nights a week.

The Job Corps center tried to mollify the neighbors. To ease complaints that the 16-to-21-year-old girls constantly entered neighboring hotels to buy cigarettes, the women's center installed a cigaret vending machine of its own. The center asks the girls not to drink but has no regulation on smoking. The girls are free to date until 10 p.m. Sunday through Thursday and until midnight Friday and Saturday.

CHANGE OF GAMES

In a move to lessen the din, the Job Corps people replaced the net for volleyball, a game played by 22 girls, with a net for badminton, which permits only four. The Saturday night record hops were moved from the hotel to the gymnasium of a local school.

It should be noted that the local school board did have direction from Federal officials on how to run the program. But it apparently was something less than effective. "We were deluged by so many people from Washington giving us information and advice on community relations, public health and home and family living that it was just plain confusing," contends Pinellas County's assistant school superintendent, Joe D. Mills. He adds, "While they never outright ordered us to rush things, you could feel the urgency to get things done in a hurry."

Joseph R. Ems, tousled-haired director of the St. Petersburg center, who took the job in March a month before the center opened but after 75 people already had been put on the payroll, submitted his resignation July 1. Besides criticizing the center's location, he blames much of his troubles on inept screening of candidates by the Federal Government. Of the nearly 300 girls sent to the center so far, 30 had been sent back home at last count. One girl was five months pregnant when she arrived, another was emotionally ill, two flatly refused to obey curfews and the no-drinking regulation and 20 "weren't sufficiently motivated" to participate in the program, Mr. Ems complains. Six more were expelled over the July 4 weekend for being intoxicated.

There were some other remarkable aspects of the project. One major question being raised is whether such a project requires a staff amounting to roughly one full-time employee for every two girls. Federal overseers apparently didn't quibble when the school system inked in 130 full-time staff members for the center's budget, including 21 bookkeepers, secretaries and accountants. "There's nothing wrong with our ratio of staff to students—you'd find the same at Bryn Mawr or any other full-time school," contends Mr. Mills, who did much of the budget planning.

And by most standards, the accommodations are pretty costly. The Job Corps is paying \$225,000 for use of the hotel for 18 months, despite the fact that the hotel's market value, as indicated by reported tax assessments, is between \$150,000 and \$200,000. The Huntington's owner, Paul B. Barnes, declines to disclose the hotel's gross income for 1964. Federally negotiated leases by law are not supposed to exceed 15% per year of the market value of a property. But Washington anti-poverty officials endorsed this lease, nonetheless. Uncle Sam even agreed to foot the bill for some \$35,000 in improvements to the hotel to make it suitable for housing the girls.

Based on an average stay of one year, expenditures for the center are expected to run well over \$7,000 annually for each girl, considerably more than it would cost to send her to Vassar or a school of similar prestige for a year. Federal men trimmed less than 2% from the more than \$2.4 million Pinellas school officials said they would need to make

employable young women out of the 300 to 500 girls Washington planned to send through the center in the first 18 months.

Under separate appropriations, Washington is footing other bills, including round-trip transportation for the girls from cities as distant as Portland, Oreg., at an average one-way trip cost of \$70. Uncle Sam also is paying the girls monthly allowances, ranging from \$30 to \$50 each, and depositing \$50 per month in savings accounts for each girl. The cost of recruiting suitable Job Corps candidates averages \$35 each.

Instruction for the girls so far has included massive doses of recreation, budgeted for the 18 months at \$110,150, plus vocational instruction in such subjects as physical therapy, clerical work and cosmetology. Other school courses include instruction in home and family life—how to cook, sew, shop and maintain personal grooming.

THE SITE'S THE THING

In all fairness, it must be pointed out that many of the difficulties of the St. Petersburg Job Corps center stem from the selection of the site and do not necessarily indict the concept of the Job Corps itself or foreshadow similar troubles at other centers. "I guess we just weren't thinking but we can see now the location was a mistake," says school board member Mildred Day, who was one of those who voted to drop the Job Corps when the contract expires in August, 1966.

Washington officials wash their hands of the site selection, explaining they left it completely in the hands of school officials. "I have never even seen the center," says Milton Fogelman, director of contracts for the Office of Economic Opportunity, which supervises the Job Corps and other Federal anti-poverty programs under a budget of \$1.5 billion requested for fiscal 1966.

The school site was selected by school officials without benefit of competitive bids. Joseph J. Busch, an employee of the county school system who teaches adult education courses in real estate law, says St. Petersburg Mayor Herman Goldner asked him to find a hotel to house the Job Corps. Mr. Busch says he was turned down by the first hotel he approached but at the second, the Huntington, Mr. Barnes, the owner, expressed interest. Mr. Busch recalls he then brought a school system official to see the Huntington. For these services he collected \$4,000, which he hastens to add was smaller than the commission of 5% of a lease's price realtors normally collect.

The Job Corps is young and its early trouble in St. Petersburg doesn't indicate by any means the program is doomed to failure. "A kid who is unemployable in his lifetime is going to cost us about \$3,000 a year to support plus the fact he won't be paying taxes," declares Mr. Fogelman in Washington. "I figure that kid would cost us \$150,000 over 40 years. If we can pull 1,000 kids off the slag heap we'll be saving \$150 million." He adds, "We think we'll have 40,000 girls and boys in the program by December and I believe we'll save 60% to 70% of them."

Despite such enthusiasm, if decades of free-handed giving at home and abroad haven't taught Uncle Sam how to administer such programs, a good many folks are wondering if the St. Petersburg mishap can go very far in that direction.

[From the Washington (D.C.) Evening Star, July 7, 1965]

PROBE SET AT FLORIDA JOB CORPS CENTER

An official of the Women's Job Corps left for St. Petersburg, Fla., today to investigate complaints of a former staff member that a training center is being run like a country club.

Dr. Bennetta B. Washington, director of the centers for the Office of Economic Op-

portunity, said Miss June Henry, a project officer, will assess charges made by Miss Gloria Pasternak, who quit her job as resident adviser there June 1.

Dr. Washington also said that the Pinellas County School Board, which is running the center, intends to fulfill its \$2.4 million contract. It had been reported that the school board had announced it wanted to drop the contract.

Miss Pasternak said that discipline at the center was lax and there was too much recreation.

In an interview today, she said the girls at the center were supposed to take academic courses in the morning and vocational training until 3 p.m., but that not all of them were assigned to the vocational courses. Receiving no direction, they would go swimming or play games until they became bored.

"No one ever told these girls exactly what was expected of them," Miss Pasternak said. "Nobody on the staff took any initiative."

The students are housed in a three-story hotel several blocks from a beach. The hotel is not luxurious, Miss Pasternak commented, but "it didn't have to be as nice as it was."

More money should have been spent for teachers who would work with the girls in the evening and less on carpeting, golf clubs and tennis racquets, she said.

Miss Pasternak, who worked at the center about two months, discussed the situation with Dr. Washington two weeks ago.

Dr. Washington said Miss Henry visits the center from time to time, but that Miss Pasternak's charges "are those that we want to look into."

"If there is some basis (to the charges) we are ready to move," Dr. Washington said. "I may be going myself to see what's happening as a result of these charges."

[From the New York Times, May 14 1966]

JOB CORPS SHIFTS WOMEN'S CENTER—"HOSTILE ENVIRONMENT" CALLED CAUSE OF FLORIDA MOVE

(By Nan Robertson)

WASHINGTON, May 13.—The Job Corps Center for Women in St. Petersburg, Fla., is pulling up stakes and moving to another community because of local hostility.

This is the first time that a center has been forced to move, although other centers have been embroiled in local controversies and have changed management. The center, situated in a residential area of St. Petersburg largely inhabited by elderly people, was the first for women in the United States.

It was opened a year ago last month.

In a statement issued today, Sargent Shriver, director of the Office of Economic Opportunity, said:

"The purpose of the Job Corps cannot be achieved in a hostile environment. The Pinellas County Board of Instruction [the school board] originally invited the Job Corps to St. Petersburg but hostility has replaced hospitality."

"Therefore we are moving. By no later than October 31, the Job Corps will be gone from St. Petersburg."

OFFICIAL COMPLAINTS

City officials have contended that the Job Corps promised to keep the ratio of white to Negro women at 15 to 1, but that the ratio has now risen to 75 per cent Negro. There are about 230 girls at the center in the Huntington Hotel.

Neighborhood residents complained that the girls and their boyfriends were immoral and disturbed the nighttime quiet by raucous drinking parties and speeding in automobiles.

Local discontent came to a peak last summer, but there has been less public outcry since then.

A week ago, Dr. Franklyn A. Johnson, national director of the Job Corps, announced that the center was going to be moved from

the Huntington Hotel to a much larger hotel downtown on the Tampa Bay waterfront.

It was explained that the girls could be more comfortably housed at the spacious Soreno Hotel, built in 1924, and also attend classes under the same roof. They are taking courses at the Mirror Lake Junior High School.

The relocation proposal was attacked by Mayor Herman Goldner, who said it "would at least jeopardize and possibly kill" the city's \$45-million waterfront redevelopment program. Other city officials supported him. The waterfront area has since been rezoned by the City Council so that the Soreno Hotel may not be used for educational purposes.

Mr. CLARK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute for the amendment of the Senator from Montana [Mr. MANSFIELD].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Illinois [Mr. DOUGLAS]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. HART], the Senator from Ohio [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. NEUBERGER], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Alaska would vote "nay."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from North Carolina [Mr. JORDAN]. If present and voting, the Senator from Michigan would vote "nay" and the Senator from North Carolina would vote "yea."

On this vote, the Senator from Washington [Mr. MAGNUSON] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Washington would vote "nay" and

the Senator from Virginia would vote "yea."

On this vote, the Senator from Oregon [Mrs. NEUBERGER] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Oregon would vote "nay" and the Senator from Florida would vote "yea."

On this vote, the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Alabama would vote "yea" and the Senator from Texas would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Kentucky [Mr. COOPER], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL] and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 45, nays 27, as follows:

[No. 277 Leg.]

YEAS—45

Aiken	Harris	Pastore
Bayh	Hartke	Pearson
Bennett	Hickenlooper	Prouity
Bible	Hill	Proxmire
Boggs	Holland	Russell, S.C.
Byrd, Va.	Jackson	Russell, Ga.
Byrd, W. Va.	Jordan, Idaho	Saltonstall
Cannon	Lausche	Simpson
Carlson	Long, Mo.	Smith
Cotton	McClellan	Stennis
Dirksen	Miller	Symington
Ellender	Monroney	Talmadge
Ervin	Morton	Thurmond
Fannin	Mundt	Williams, Del.
Griffin	Murphy	Young, N. Dak.

NAYS—27

Bartlett	Kennedy, Mass.	Moss
Brewster	Kennedy, N.Y.	Muskie
Burdick	Mansfield	Nelson
Case	McCarthy	Pell
Clark	McGee	Randolph
Dodd	McGovern	Ribicoff
Fulbright	Mondale	Tydings
Gore	Montoya	Williams, N.J.
Javits	Morse	Young, Ohio

NOT VOTING—28

Allott	Gruening	Metcalf
Anderson	Hart	Neuberger
Bass	Hayden	Robertson
Church	Hruska	Scott
Cooper	Inouye	Smathers
Curtis	Jordan, N.C.	Sparkman
Dominick	Kuchel	Tower
Douglas	Long, La.	Yarborough
Eastland	Magnuson	
Fong	McIntyre	

So the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute for the Mansfield amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. RUSSELL of Georgia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana [Mr. MANSFIELD] as amended by the amendment of the Senator from Illinois [Mr. DIRKSEN].

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the yeas and nays, which have been ordered, be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The question is on agreeing to the amendment of the Senator from Montana [Mr. MANSFIELD] as amended by the amendment of the Senator from Illinois [Mr. DIRKSEN].

The amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

Mr. MANSFIELD. If the Senator from New York will yield briefly, and if I may have the attention of the Senator from Virginia [Mr. BYRD], and with his approval, I ask unanimous consent that the unanimous consent agreement on his motion previously granted be vacated.

Mr. BYRD of Virginia. Mr. President, let me say to the Senator from Montana that I had just risen exactly for that purpose, and I accept the Senator's suggestion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The clerk will state the amendment offered by the Senator from New York [Mr. JAVITS].

The legislative clerk read the amendment, as follows:

On page 22, line 3 after "part B of this title," insert the following: "pursuant to agreements with the Secretary of Labor where funds under part B of this title are so used."

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

This is a technical amendment which seeks to join the Secretary of Labor, who administers the Neighborhood Youth Corps, in deciding with the Director of the Office of Economic Opportunity what projects shall be commenced under joint funding—

Mr. RUSSELL of Georgia. Mr. President, may we have order? I cannot hear the Senator from New York, and I am very close to him.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

Mr. DIRKSEN. Mr. President, if the Senator will yield, if Senators will be patient and stand by a moment, this is a technical amendment which the committee will take. Insofar as I can determine there will be no others. I understand there are no further amendments—

Mr. CLARK. Mr. President, if the Senator will yield, there are further amendments.

Mr. DIRKSEN. Mr. President, will there be a vote on final passage?

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, the purpose of the amendment is to join the Secretary of Labor with the Director of the Office of Economic Opportunity in approving the use of Job Corps and Neighborhood Youth Corps funds on combined residential-nonresidential experimental projects as are authorized in section 4 of the bill. This is necessitated by the fact that the Labor Department administers the Neighborhood Youth Corps. Therefore, it seems to be an oversight that the Secretary has not been joined in these experimental projects as he is in the regular programs.

I understand the amendment is satisfactory to the manager of the bill and that we can dispose of it very quickly.

Mr. CLARK. Mr. President, I understand the amendment of the Senator from New York has been cleared and that there is no objection to it. Therefore, on behalf of the committee, I am prepared to accept it. I yield back my time on the amendment.

Mr. JAVITS. I yield back my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MURPHY. Mr. President, I send to the desk a very simple amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from California will be stated.

The legislative clerk read the amendment, as follows:

On page 47, between lines 21 and 22, insert the following new subsection:

"(C) For the purposes of Subchapter III, Chapter 73 of Title V of the United States Code, a Volunteer under this Title shall be deemed to be a person employed in the Executive Branch of the Federal Government."

Mr. MURPHY. Mr. President, I yield myself such time as I may need.

As my colleagues know, I have been trying for some time to remove politics from the poverty program. A noted pollster, Mr. Sam Lubell, found that the removal of politics is one of the two antipoverty reforms demanded by the American people. Correspondence that I have received from fellow Californians and across the country substantiates the results of Mr. Lubell's poll.

It is my understanding that my bill, S. 2908, extending the Hatch Act to employees of VISTA and the community action program, who receive the principal part of their salaries from Federal funds, is a most popular one.

Significantly, it is no longer argued that legislation along these lines is not needed nor that it would be impossible to administer, as supposedly was the reason for the amendment's rejection in conference last year.

To give my colleagues a better understanding of the problem and what the Senate committee did, I believe it would

be useful if the legislative history of efforts to remove politics from the poverty program were reviewed.

As originally introduced, the Murphy-Prouty amendment covered all employees of the poverty program, if they receive in whole or in part their salaries from Federal funds. During committee deliberation last year, I modified the amendment to reach only those poverty employees who receive the principal part of their salaries from Federal funds. Thus, modified, the amendment was supported by all—I repeat, all—members of the Senate Labor and Public Welfare Committee.

In supporting the Murphy-Prouty amendment last year, the committee report on pages 13 and 14 read:

The committee has added a subsection to section 211 designed to make the Hatch Act applicable to employees of community action agencies. Under the committee amendment, these employees would be prohibited from engaging in political activity where they are paid in principal part from Federal funds.

When public agencies are recognized as the local community action agencies, the Hatch Act is already applicable. When private nonprofit agencies are recognized, however, the act does not apply. The committee's amendment reflects the belief that the success of community action programs could be adversely affected if local anti-poverty officials were actively engaged in partisan politics. Such engagement could impart a partisan character to a program which should be based on a broad spectrum of support within the community.

When the bill reached the Senate floor, not a single voice was raised in opposition to the amendment. Thereafter, pressure was brought to bear and the amendment was rejected in conference for reasons which I found most unpersuasive. The ostensible reason for its rejections was the feeling of the House conferees that the provisions would be difficult to administer.

This year, in reporting H.R. 15111, the Economic Opportunity Amendments of 1966, the House Education and Labor Committee recognized the wisdom and necessity of a meaningful amendment to keep the poverty program free from politics. Unlike last year, the House did not foresee any great administration problem. In fact, the House language in substance is the same as my original amendment in that it covers all employees whose salaries are paid in part or in whole out of Federal funds.

The House report cogently explains the need and rationale for bringing the poverty program employees within the Hatch Act's regulation of political activity. The report reads:

This provision is needed to assure that there will be no political abuses in the war against poverty. Not only is it essential that grantees be politically neutral, but also that Federal funds not be used to further the political ambitions of any individual or faction.

It is the opinion of the committee that anyone who is compensated out of federally appropriated funds occupies a position of public trust so close to that of a public employee that he should be required to act with political neutrality and to avoid public identification with a political campaign or party.

Enactment of this provision should do much to eliminate political contention over local antipoverty programs and to make clear the high standards of political impartiality expected of those who are employed in these programs. It is not the committee's purpose to restrict the normal political rights of persons to whom this section applies beyond what is necessary to assure that their position as recipients of Federal funds will not be abused for political purposes.

The Senate Labor and Public Welfare Committee, of which I am a member, this year incorporated an amendment to the Economic Opportunity Act extending the Hatch Act provisions to cover all employees of the umbrella community action agencies. This is true regardless of the source of their salaries. In this respect, it is very similar to the original Murphy amendment insofar as the overall community action employees are concerned. I do, however, have reservations regarding the committee's coverage of the nonumbrella community action agencies. While the committee extended the Hatch Act's prohibitions against soliciting political funds from employees and the prohibition against the use of official authority or position to interfere in any election or nomination, these employees are not covered by the third and most important prohibition of the Hatch Act—namely, the taking of an active part in political management or in political campaigns.

I can assure my colleagues that I intend to watch this area very closely during this coming year. And if I find that there is abuse, or as the committee says, "a clear need for extending all the Hatch Act's limitations," I can assure my colleagues that I will offer such an amendment.

There is, however, one important group—the VISTA volunteers—that the committee has failed to include under any of the Hatch Act's prohibitions. In my judgment, this is a serious oversight because it is an area where there is great potential for abuse. To correct this serious deficiency, I propose this amendment to extend the Hatch Act's coverage to the VISTA volunteers.

On page 16 of the Senate Labor and Public Welfare Committee's report of 1965, the committee in recommending that the Hatch Act be extended to VISTA volunteers stated:

The bill includes, finally, one additional amendment relating to VISTA which was adopted by the committee. This would make the Hatch Political Activities Act applicable to volunteers. Although volunteers for many purposes are not deemed employees of the Federal Government, their relationship with the Government has many characteristics of an employment relationship. The committee believes that they should be subject to the same restrictions on political activity as regular Federal employees.

I sincerely hope that the Senate will adopt this amendment.

I also, Mr. President, would like to pay tribute to the many newspapers across the country who joined me in my campaign to keep politics out of the poverty program. I have selected various editorials and articles, and ask unanimous consent that they be inserted in the RECORD.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Alhambra (Calif.) Post-Advocate, Feb. 19, 1966]

MURPHY AMENDMENT: POLITICS AND POVERTY PROGRAM

Sen. GEORGE MURPHY, R-Calif., has taken a commendable step toward keeping politics out of the poverty program.

He has introduced an amendment to the Economic Opportunity Act of 1964 which would place executives who receive the principal part of their salaries from federal poverty funds under the Hatch Act. This act is supposed to prevent politicking by federal employees.

The "Murphy amendment" needs to stick this time. He introduced a similar proposal last year. It was accepted unanimously by the Senate Labor and Public Welfare Committee and passed the Senate without a dissenting vote. But this much needed protection was cut out in conference.

The need for keeping politics out of the poverty program is plain to see. As MURPHY said in a letter to his colleagues soliciting their support:

"The war on poverty is in danger of becoming bogged down by bickering and partisan political activities. This, of course, is most regrettable, and I am convinced that unless steps are taken to keep the program free from politics, the poor will benefit little, if any, from the program."

The extra year of experience since Congress eliminated MURPHY's amendment last year should provide ample grounds for keeping it intact this time.

[From the Burbank (Calif.) Review, Feb. 19, 1966]

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[From the Washington (D.C.) Post, Aug. 22, 1965]

POVERTY AND POLITICS: ADMINISTRATION SOUGHT TO BEAT BAN ON POLITICS IN SPITE OF CONTRARY PUBLIC COMMENTS

(By Rowland Evans and Robert Novak)

In conflict with public utterances that it wants the poverty program divorced from politics, the Johnson Administration attempted a futile fight against such a prohibition.

The poverty bill passed last week by the Senate puts all local poverty workers under the Hatch Act. That means Federal law—not merely agency regulations—will bar local poverty officials from partisan politics.

This amendment to the Poverty Act, sponsored by Sen. GEORGE MURPHY (R. Calif.) zipped through the Senate Labor Committee and the Senate itself without apparent opposition.

Behind the scenes, however, two Democratic Labor Committee members were asked privately by the White House to kill the Murphy amendment. One was summoned from a Labor Committee meeting by an urgent telephone request.

Although they usually follow the Administration line, the two Senators turned down the White House. They actively supported the Murphy amendment. Consequently the White House made no public fight.

What makes this particularly interesting are public utterances of poverty chief Sargent Shriver and other officials when confronted with examples of local poverty workers playing politics (including the case we reported of a Philadelphia antipoverty leader lobbying in Harrisburg).

These Federal officials said they would prevent such conduct if Congress would write a prohibition into law.

Hence, the Administration's veiled effort to block the prohibition comes as a surprise.

[From the Los Angeles (Calif.) Times, Feb. 14, 1966]

PROGRAM FOR POOR, NOT POLITICS

Poverty program personnel would be barred from political activity under a proposal offered by Sen. GEORGE MURPHY.

The senator would amend the Economic Opportunity Act to provide that Community Action agency employees who receive more than half their salary from federal poverty funds, and employees of the Volunteers in Service to America (VISTA) program would be placed under the Hatch Act.

Although the senator's concern is primarily with the Community Action programs, VISTA personnel were included at the suggestion of other members of the Senate Labor and Public Welfare Committee.

The amendment was approved unanimously by the committee last year and passed the Senate without dissenting vote. It died, however, in conference committees, ostensibly as the result of White House pressures.

In the meantime, dissatisfaction with functioning of the poverty program has increased and complaints over unwarranted politicking are growing.

The Johnson administration has indicated a desire to divorce the program from politics. If that is indeed the case it should have no objection to barring those who operate the program from political activity.

The Job Corps, which operates under the Hatch Act, has largely avoided getting bogged down in politics. It would seem logical that restrictions imposed on that agency would serve an equally useful purpose in the poverty program.

The war on poverty is too important to be jeopardized by political flinching. As Sen. MURPHY emphasizes the program should not be used to enhance the political fortunes of a few politicians or a political party.

Putting poverty workers under the Hatch Act will not solve all the problems of the program, but it should have a beneficial effect.

Adoption of the Murphy amendment would serve notice on poverty program personnel that they are there to help the poor, not the politicians.

[From the Washington (D.C.) Daily News, Feb. 10, 1966]

"HATCH" THE POVERTY-BUNGLERS

Since the outset, some phases of President Johnson's "war on poverty" have been complicated, if not disrupted, by squabbling and grabbiness among local politicians.

Sen. GEORGE MURPHY of California thinks he may have a remedy, although probably not a cure.

He said he will introduce a bill to apply the Hatch Act to all administrators in the so-called "community action" and "VISTA" aspects of the program. These are the places where the most trouble has turned up.

The Hatch Act, on the books since 1939, bars Federal employees from using their offices to influence voters or taking an active part in politics or political campaigns.

Sen. MURPHY doubts his proposal would "solve all the problems," but he hopes it would "make them pay more attention to the needs of the poor," and less to politics.

There isn't any sound reason at all why Congress shouldn't apply the same limitations to anti-poverty employees as to other Government people. In fact, in the case of the anti-poverty employees, the restrictions are especially needed.

[From the San Francisco (Calif.) News Call Bulletin, Aug. 24, 1965]

MURPHY PUT DAMPER ON POVERTY POLITICKING (By Jack S. McDowell)

In San Francisco, Los Angeles and many major areas of the nation there are tremendous battles over who's going to control the federal war on poverty program.

In most cases, the squabble boils down to the struggle of who will get the various supervisory jobs the program provides and, through this sort of control, who derives the largest number of political green stamps.

There is another important factor. When part of the tab for the poverty war begins to shift from federal to local pocketbooks, those responsible for local tax rates want a hand on the controls. If control is in the hands of the recipients, they argue, local taxpayers could be spent into bankruptcy and local officials could be spent right out of office.

This fiscal problem, however, seems not to enter into the burning desire of many local politicians to get their cohorts and themselves nailed into the federal payroll where they would be occupying positions of influence in the spending of millions of dollars. Such positions of fiscal affluence and influence normally evolve into positions of political influence.

MURPHY AMENDMENT

What most of the eager politicians involved have overlooked is the language of a simple amendment to the poverty war act, placed into it by Sen. GEORGE MURPHY, California's freshman Republican in the upper house.

This provision declares that employees of the poverty war program clearly and definitely are subject to all provisions of the Hatch Act.

This means, we're informed, that any poverty war soldier who receives most of his income from that position is covered by the act which prohibits federal employees from participation in political campaigns.

While this is a federal law and does, indeed, apply directly to campaigns for federal offices such as Congress, U.S. Senate and president, it also has been interpreted to apply to include all partisan races such as those for the state Legislature and statewide constitutional officers.

PENALTIES TOUGH

Penalty for violation ranges from a minimum of 90 days' suspension from the offen-

der's federal job to a maximum of permanent removal from the payroll.

This raises a question of whether so many would-be political empire builders would be so anxious to place themselves and their lieutenants on the poverty war payroll if they were aware of the ominous provisions of the Murphy amendment.

It is possible, of course, that the courts would have interpreted employment by the poverty war program as being subject to the Hatch Act. But this would have consumed time and no test could have been possible until the campaign season when a violation could be alleged.

MURPHY's language answers the question in advance. This means that politically-inclined poverty war officials will know their enemies will be looking over their shoulders, ready to hit them with a Hatch hatchet.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. CLARK. It is my understanding that this amendment places the volunteers in VISTA under the Hatch Act.

Mr. MURPHY. Yes.

Mr. CLARK. I have discussed this amendment. There is no serious objection to it. I am prepared to accept it. I yield back my time on the amendment.

Mr. MURPHY. I yield back my time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. MURPHY. Mr. President, I derive a great deal of personal satisfaction from the action of the Senate today in at long last taking a step toward the removal of politics from the poverty program.

Politics should never have a place in programs aimed at helping the disadvantaged. Our Nation, dating back to the time of President Chester A. Arthur, has had a policy that those paid from public moneys must devote themselves to the interests of all the people and not to the interests of a partisan political group.

The action of the Senate today is consistent with this philosophy. The acceptance of the amendment is in no small part due to the fact that the voice of the American people was heard by the Congress.

I am advised that the Murphy-Prouty Hatch Act amendment, which, as I mentioned before, was cosponsored by 25 Senators, has been so popular that it has been almost impossible to secure printed copies for some time.

Mr. Sam Lubell's poll showed that the removal of politics from the program was a reform in the poverty program demanded by the American people. Its adoption today illustrates what an aroused electorate can do, and more importantly, it will help to preserve the poverty program from selfish partisan politics. The committee's action today declares that the war among politicians must end so that we can concentrate all of our energies on the war against poverty.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MORSE. Mr. President, I shall speak but a few minutes on the bill.

Among all the criticisms of the poverty program, I should like to mention two that I think have validity and about which there was discussion in the Senate Labor Committee. They do not concern the misdeeds of commission that are widely heard among opponents of the program, but omissions that have discouraged many who would like to participate in it more than they have.

One is that the elderly are downgraded as deserving participants in the war on poverty. Among organizations that work with the elderly, there is the feeling, even the conviction, that the administrators in the Office of Economic Opportunity believe that the poverty cycle is one that must be approached at the level of the young people, that only by upgrading the education of the young and stimulating their motivations can the dreary cycle be broken. Those who hold this view, and it is surely a valid one, are said consequently to regard the people over 55 or 60 as beyond the scope of the war on poverty. They are said to be regarded as past the age when they might make a contribution to themselves and to society that will enable them to lift themselves out of the poverty class.

I do not quarrel with the theory that the poverty cycle can best be attacked at the level of youth. That is why I have supported increasing funds for Headstart, Upward Bound, and other programs designed to provide the background that the poverty-stricken family does not provide for its children.

But all the statistics and records we have about where poverty exists in the United States show a real correlation between old age and poverty. The percentage of poor within age groups rises alarmingly at ages above 60 and even 50.

On June 20, 1966, the Senate Special Committee on Aging submitted a report entitled "The War on Poverty as It Affects Older Americans."

Some of the statistics it contained were the following:

That as defined by the Social Security Poverty Index of 1965, 5.4 million persons past 65 live in poverty;

Another 1.7 million elderly persons, on the basis of their own income, would also be in the ranks of the very poor if they did not live with families above the poverty level;

Of the 18 million persons past 65 in the country today, more than 7 million are classified as poor;

One-fifth of all persons in the poverty category are persons over 65;

Of those between 55 and 64, 2.7 million live in poverty;

More than one-third of all poor families are headed by persons 55 and over, and more than half by persons 45 and over;

One of every four families whose head is 64 or over lives in poverty;

Six out of ten older Americans who live alone are poor. They constitute more than one-half of all poor persons who live alone.

Of course, the elderly pose a great administrative problem for the war on poverty. They are not conveniently concentrated in cities, where programs can be undertaken to cover large numbers of them from one place. The elderly are scattered rather evenly across the face of the country. They live in big cities, small towns, and in isolated rural communities. They mingle with families of better means and lower ages.

The Office of Economic Opportunity has had its own Task Force on Programs for Older Persons. It outlined this problem concisely and recommended some means of drawing the elderly more closely into the general war on poverty. Their situation and problems have not been neglected by OEO. But neither, in my opinion, has enough been done to define these problems, to seek out means of dealing with them and encouraging the participation of the elderly in the whole war on poverty.

One of the findings of our Special Committee on Aging was that there has been no position within the Office of Economic Opportunity with sufficient responsibility and authority to insure adequate attention to the elderly poor under the programs administered by the agency. It was the first recommendation of the committee that such a position be established in OEO.

Without this improvement, it is highly doubtful that our other recommendations can be fully effective.

Said the report.

Recommendation No. 3 provides:

The Committee recommends that the Office of Economic Opportunity develop to their full potential the elderly-oriented programs which it has already begun.

Listed among these are the foster grandparents, Medicare Alert, Green Thumb, home health aids, and a series of projects OEO has approved as part of community action projects. In connection with the latter, the Aging Committee report states:

While local groups play a vital role in determining the needs of their own elderly and in creating programs to meet such needs, OEO can also contribute significantly to initiating such projects in many other localities throughout the Nation. It can choose the best of such projects as prototypes for nationwide application, and can carry out in their behalf promotion of the type which resulted in so many applications for Medicare Alert.

In recommendation No. 4, the committee "recommends that the Office of Economic Opportunity give to additional elderly oriented programs the same type of fund allocation and promotion efforts which made Medicare Alert the success it has been." Among what the committee calls the promising possibilities are employment programs, nutrition programs, senior centers, housing programs, consumer education, and health programs.

Recommendation No. 5 "recommends that the Office of Economic Opportunity further relax its requirement that applications represent a large population base, permitting some communities to organize and file applications apart from other nearby communities where organi-

zational disputes and other difficulties in such nearby communities delay the establishment of community action agencies and otherwise impede community action programs."

The committee cites the rejection of a community action program in northern Wisconsin because the population of the county was only 30,000 and the initial insistence of OEO that all of Los Angeles County in California be served by a single community action group. Subsequently, this decision was changed to permit any Los Angeles County municipality with a population of 100,000 or groups of municipalities and contiguous areas with a combined population of 100,000 to establish their own community action agency.

In States with thinly scattered population, the problems of poverty among the elderly and the rural poor are very difficult to deal with on a mass basis. No doubt the per person cost will rise in programs undertaken in such areas. Perhaps that is why administrators tend to resist them, because there has, after all, been considerable unfair criticism of some poverty programs as costing large amounts per person affected by the program.

This brings me to the second area of the poverty program I want to call to the attention of the Office of Economic Opportunity. This is the participation of rural areas in the whole program. In fact, one section of our report from the Senate Labor Committee deals with rural poverty, for it was our feeling that it requires increased emphasis.

Our report states on page 18:

After careful consideration of the nature and scope of program activity in rural areas, the committee has determined that the congressional intent respecting rural poverty has not been adequately implemented.

One of the ways in which we felt it had not been adequately implemented was in the recruitment of people to serve as VISTA volunteers or in other programs in rural areas. I regret that language intended to go into the committee report on this matter was inadvertently omitted, for many of us made it clear that people being sent into rural areas, having no background or knowledge or understanding of rural life, were in some cases doing more harm than good to VISTA and other poverty programs. We called upon the OEO to be more diligent, first, in recruiting people out of rural communities, and secondly, in assigning them to programs in rural areas.

The committee report points out that—

In fiscal 1966, the Nation's rural poor, though comprising 43 percent of the total poverty population, received only 15.5 percent of all community action funds. This allocation is grossly disproportionate to the magnitude of rural poverty, and falls far short of an equitable distribution of CAP funds.

In pursuit of this finding, the committee adopted an amendment to section 211 of the act, requiring the Director to make grants to, or contract with independently funded public and private nonprofit organizations in predominantly rural areas where it is not feasible within a reasonable period of time to establish

community action agencies. Another amendment would provide for the independent funding of a public or nonprofit agency where the Director determines that an independently funded program may help ease conflict or provide more operating efficiency or be more economical.

Poverty is more dramatic in the big city ghetto, particularly where Negro Americans are literally confined by economic and social circumstances that must be overcome not only through the war on poverty, but through our education programs, our health programs, our housing programs, our manpower training programs, and others that have been or will be adopted by this Congress this year.

But the big city poverty is not the only poverty. Because the people affected are not massed together, their problems are more difficult to treat, more difficult even to define, and probably more expensive to correct.

That is why I oppose cutting back the war on poverty. If this is going to be more than a demonstration war on poverty it must go into the backwoods and small towns, because that is where poverty is, too, as well as in the big cities.

Although in some ways it is the hardest form of poverty to get at, in some ways it can also produce the best results. Unquestionably the most successful and most popular of all poverty programs in Oregon is Green Thumb. It is very modest; it is sponsored by the Farmers Union, and was initiated in Arkansas, New Jersey, Oregon, and Minnesota. It has high visibility because these elderly men plant and care for trees, shrubs, and flowers along highways. Green Thumb is authorized under the Nelson amendment of last year, which I was pleased to cosponsor in the Senate Labor Committee. I ask unanimous consent to have printed at the conclusion of these remarks pages 46 through 50 of the Aging Committee report which summarizes the first-year cost of Green Thumb in the four States in which it began.

Since the materials in that report were assembled, I have heard both directly and indirectly from the Oregon State Highway Commission about Green Thumb. In a letter to the Utah State director of highways, the Oregon Director, Forrest Cooper, wrote on May 25, 1966:

Yes, we have participated in Green Thumb and, while we had somewhat the same misgivings as you, the program has so far been successful. In the first place, the "elderly poor" as you describe them are good workers. They appreciate the opportunity to earn their way at \$1.50 an hour by contributing to a worthwhile endeavor. Perhaps I can better explain our enthusiasm by briefly outlining our program:

(1) A great deal of the success is a result of careful selection of candidates. The men are healthy (a physical examination is required). They are men who are farmer-oriented. They are over 55 years of age.

(2) They are formed into groups of six men plus one foreman. The work assigned to them is detailed by the local District Maintenance Superintendent who is the most knowledgeable man concerning the needs of his territory.

(3) The entire salaries of these men are paid by Green Thumb and we keep no rec-

ords or have anything to do with this phase. We supply materials (plants, fertilizers, etc.) and large equipment. The Green Thumb supplies small equipment (hand tools, etc.). I am enclosing a copy of the agreement we have executed with Green Thumb. Please note that we require certain liability insurance.

These men do planting, weeding, brushing, fertilizing and generally any type of operation required to promote botanical beautification.

We now have 90 men working on this program. It is expected that this will increase to about 140 men after July of this year. With our large landscape investment in western Oregon, we would have been in a bad way maintenance-wise without the help of these men. I can definitely say that the program is successful in Oregon and recommend it to you.

FORREST COOPER,
State Highway Engineer.

A few weeks later, on June 21, Mr. Cooper wrote me directly, as follows:

DEAR SENATOR MORSE: I thought you might be interested in knowing the outcome of your efforts to establish a "Green Thumb" program in Oregon.

The project has been under way long enough that we can now make evaluation as to the benefits. It has been a success far beyond our hopes. We have approximately 100 elderly farmers doing valuable maintenance work on our roadside plantings at virtually no direct cost to the State.

I express appreciation of the Commission and the Department to you for getting this program under way.

Very truly yours,
FORREST COOPER,
State Highway Engineer.

While much of the dissatisfaction with the poverty program derives from highly publicized accounts of misbehavior among the many thousands of boys and young men in the Jobs Corps, much satisfaction can be derived from the success of this one very small and limited project for the elderly. These are men scraping by on meager pensions or welfare. Many of the men in the Oregon program have gone off the welfare rolls. It may be said that they have gone on the poverty payroll; but they are doing a job, too, and getting paid for it.

It is my hope that in the next year, the Office of Economic Opportunity will give more attention and devote more of its efforts to expanding Green Thumb and other programs for the elderly and the rural poor.

It should not do that by cutting back on the war on poverty in the cities. This is why I shall oppose any large reductions in the program authorized by the bill reported by the Senate Labor Committee.

Mr. President, I wish to insert at this point the following material on the Nelson amendment project dealing with the elderly and the Green Thumb program.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

III. NELSON AMENDMENT PROJECTS

Nelson amendment projects are designed for all age categories. However, they may be developed to serve the needs of the elderly. In fact, the elderly poor especially fit the eligibility requirements as stated by law (sec. 205 (d)) of the Economic Opportunity Act of 1964, as amended.

Those selected to participate in Nelson amendment projects as workers must—

Be chronically unemployed;
Have no reasonable prospects for full-time employment;

Be unable to secure either appropriate employment or training assistance under other programs.

Attached is a copy of the guidelines^a for Nelson amendment projects.

Operation Green Thumb, Inc., the first project funded under the Nelson amendment is sponsored by the National Farmers Union. This program will employ the elderly poor in the four States of Arkansas, New Jersey, Oregon, and Minnesota on highway beautification projects and will retrain older farmers in gardening, landscaping, and nursery work.

Under the grant of \$768,142, there will be 280 older persons employed for \$1.25 to \$1.50 per hour working on an average of 3 days per week. The projects are designed in cooperation with the State highway departments, who furnish planting and heavy equipment. All projects are in addition to the planned expenditures for highway beautification, and all projects are on highways for which no other Federal funds are available.

Attached is (1) a copy of the title page of the grant^a (2) a copy of the official budget breakdown by categories, (3) a copy of direct cost per trainee by States, (4) a copy of special conditions required by OEO,^a (5) a copy of a memorandum of October 26, 1965, outlining the costs of transportation, a major problem for an effective rural program, (6) a copy of labor standards for Project Green Thumb, (7) copies of pertinent correspondence indicating acceptance of the project by appropriate State personnel^a and (8) a copy of a progress report of February 23, 1966, prepared by Dr. Blue Carstenson, project director.

OFFICE OF ECONOMIC OPPORTUNITY

Approved budget for community action program

Name of grantee: Green Thumb, Inc.
Component title: Project Green Thumb.
Grant period: Effective date to December 30, 1966.

Cost category	Requested amount	Approved amount
1. Personnel.....	\$597,294	\$597,294
2. Consultants and contract services.....		
3. Travel.....	93,090	93,090
4. Space costs and rentals.....	10,482	10,482
5. Consumable supplies.....	18,472	18,472
6. Rental lease or purchase of equipment.....	10,532	10,532
7. Other costs.....	721,810	721,810
Total cost of component.....	1,451,680	1,451,680
Non-Federal share.....	683,538	683,538
Federal grant under title II-A.....	768,142	768,142

Federal funds

	Cost per trainee by State			
	Arkansas	Oregon	New Jersey	Minnesota
Direct cost:				
Wages.....	\$1,543.00	\$1,543.00	\$1,543.00	\$1,543.00
Fringe benefits.....	249.00	561.00	363.00	409.00
Miscellaneous.....	27.50	27.50	27.50	27.50
Subtotal.....	1,819.50	2,131.50	1,933.50	1,979.50
Indirect cost—administration:				
State.....	487.00	420.00	428.00	511.00
National.....	198.00	198.00	198.00	198.00
Plantings.....	143.00	143.00	143.00	172.00

^a In committee files.

Federal funds—Continued

	Cost per trainee by State			
	Arkansas	Oregon	New Jersey	Minnesota
Totals:				
Direct cost.....	\$1,819.50	\$2,131.50	\$1,933.50	\$1,979.50
Indirect.....	679.50	612.50	620.50	732.50
Total.....	2,499.00	2,744.00	2,554.00	2,712.00

Recapitulation—averages:

Wage to trainee.....	\$1,500
Fringe benefits to trainee.....	395
Miscellaneous expenses for trainee.....	28
Administration:	
National.....	198
State.....	462
Plantings.....	150
Total per trainee.....	2,733

OCTOBER 16, 1965.

Memorandum.

To: Dr. Robert McCan.

From: Blue Carstenson.

Subject: Green Thumb project.

As Sandy Kravitz suggested it has been possible to make substantial savings by arranging for pool driving. While our insurance people indicate that the difference in insurance costs would be less than \$100 in switching from individual to group riding because of changes in the category of insurance, \$28,620, can be saved by switching to group or pool riding in the three States.

In preparing the accompanying detailed chart, we calculated the size of the county, dividing the county into two parts. The teams will be recruited from and will work primarily in a half county area. Two of the crew members (one will be the foreman) will drive their cars or pick-up trucks and will pick up the trainees at various points in the county and will drive to the place of work. The foreman will also have to drive the length of the project to supervise the trainees.

In consultation with our State presidents and using the Rand McNally Atlas, 1965, we calculated that an average of four times the radius of the half county would be required for travel for each car or truck. Because of group travel we calculated at 10 cents a mile which produced the following results:

	Previously submitted based on 40 miles per trainee at 8 cents	New group travel plan, 2 cars at 10 cents	Amount now requested
Minnesota.....	\$27,300	\$17,040	\$17,040
New Jersey.....	27,300	11,520	11,520
Oregon.....	27,300	24,720	24,720
Arkansas.....	19,000	10,320	9,000
Total.....	90,900	63,600	62,280

¹ In the case of Arkansas, they had planned to pay some member of the crew \$6 a day for the use of his pickup truck to transport the crewmembers, etc. Because Arkansas counties are about half the size of the average counties, this was and will continue to be feasible for Arkansas.

SPECIAL CONDITIONS

Green Thumb, Inc., will attempt in every possible way to cut costs during the operation of the 1-year project. This will be done by attempting to obtain gifts of plantings, equipment, and talent by various State and local agencies, voluntary groups, businesses, and individuals. Every effort will also be made to cut the costs of insurance while maintaining adequate protection.

Such additional moneys saved will be used to increase the number of worker-trainees.

Green Thumb, Inc., will apply for an Internal Revenue Service tax exemption within 30 days.

No funds for plantings will be released to the State project for expenditure until the

State project director forwards to the National Green Thumb director documentation by the State highway department of the amount which the State has spent in regard to the project. The national director then will authorize release of 10 percent of the amount documented to that State earmarked for plantings.

The State highway department will be required to state that sites selected for highway beautification will be locations where there is no duplication of funds from other Federal or State sources, and is an additional

effort beyond what was planned for this year by the State highway department.

There were no funded community action programs in any of the Green Thumb areas prior to the application, however, Green Thumb will cooperate with any community action program agencies which may be developed or funded in these areas, especially in the recruitment of worker-trainees. However, recruitment shall not be limited to community action programs. State employment services will be used in every instance.

Revised Green Thumb trainee travel cost

	Approximate size of county in miles	Radius for 1/2 county in miles	Miles per team, 2 cars a day (8X radius)	Miles per team per year	Cost per team per year at 10 cents a mile	Cost per county per year
Minnesota:						
Otter Trail.....	20 by 55 miles.....	14	112	16,800	\$1,680	\$3,360
Becker.....	30 by 50 miles.....	15	120	18,000	1,800	3,600
Walden.....	18 by 30 miles.....	9	72	10,800	1,080	2,160
Todd.....	25 by 40 miles.....	13	104	15,600	1,560	3,120
Beltrami.....	40 by 45 miles.....	20	160	24,000	2,400	4,800
Total.....						17,040
New Jersey:						
Burlington.....	20 by 40 miles.....	10	80	12,000	1,200	2,400
Gloucester.....	20 by 25 miles.....	13	104	15,600	1,560	3,120
Mercer.....	20 by 30 miles.....	10	80	12,000	1,200	2,400
Hunterdon.....	do.....	10	80	12,000	1,200	2,400
Camden.....	10 by 20 miles.....	5	40	6,000	600	1,200
Total.....						11,620
Oregon:						
Lane.....	60 by 90 miles.....	30	240	36,000	3,600	7,200
Linn.....	35 by 65 miles.....	18	144	21,600	2,160	4,320
Marion.....	25 by 60 miles.....	15	120	18,000	1,800	3,600
Polk.....	20 by 30 miles.....	10	80	12,000	1,200	2,400
Clackamas.....	40 by 60 miles.....	20	160	24,000	2,400	4,800
Hood River.....	20 by 30 miles.....	10	80	12,000	1,200	2,400
Total.....						24,720
Arkansas:						
Cleveland.....	20 by 20 miles.....	5	40	6,000	600	1,200
Pike.....	do.....	5	40	6,000	600	1,200
Newton.....	25 by 30 miles.....	13	104	15,600	1,560	3,120
Madison.....	22 by 30 miles.....	11	88	13,200	1,320	2,640
Fulton.....	15 by 35 miles.....	9	72	10,800	1,080	2,160
Total.....						10,320

LABOR STANDARDS FOR PROJECT GREEN THUMB

(1) *Protection of employment opportunities.*—It is the purpose of this project to provide new or additional job opportunities without displacing already employed workers or impairing job opportunities that would otherwise be available. Green Thumb project cannot (a) result in displacement of workers already employed, (b) result in a reduction of employment opportunities normally available, and (c) result in the reduction of employment or labor costs normally utilized by the State highway departments.

(2) *Wages.*—Worker trainees will be paid wages equal to the State or Federal minimum wage or the prevailing wage in the county for this type of part-time work of highway beautification. No funds will be released to the State projects by Green Thumb until documentation has been obtained concerning local prevailing wage.

(3) *Hours.*—The regular workweek for the State staff will be 40 hours per week. The normal workweek for worker-trainees will be 24 hours per week. The normal day will be 8 hours per day. Any work in excess of 40 hours per week or 8 hours per day for workers will require statements as to why it was necessary under unusual circumstances and where it was also required for other employees.

(4) *Workmen's compensation.*—Workmen's compensation protection must be provided for all workers and funds for employment of worker-trainees will not be made available to the State project until workmen's compensation is provided.

(5) *Employment conditions.*—(a) All employees will be covered by social security and general liability insurance. They will not be covered by unemployment insurance coverage, because of (1) the nature of the project, (2) the definite time limitation of the project (1 years), and (2) it is classified as a work training experience.

(b) The State project director (and by delegation the State field supervisor) is the only person who has the authority to hire and fire workers or apply discipline; however, the working foreman will take direction either from the State director or his field supervisor.

Worker-trainees will be expected to maintain good work standards similar to those of the State highway department.

Worker-trainees will be under the immediate supervision of the working foreman. In matters of personnel, training, work instruction, and administration, the foreman will take direction either from the State director or his field supervisor. The working foreman will also take direction concerning work instructions from the State highway supervisory personnel.

State highway department will also assist in establishing local health and safety standards, in addition to those established by National Green Thumb (as adapted from title V projects under the Economy Opportunity Act). (See below.)

(c) Employees may appeal grievances to the State project director or to a grievance subcommittee of the State advisory committee. These in turn may be appealed to the national project director and the Grievance Subcommittee of the National Advisory Committee.

(d) The State project director, the State Farmers Union offices, along with the State employment service and other State agencies cooperating in the project will aid worker-trainees in seeking further employment. Part of the training program will be devoted to postproject employment. The State farmers union, as a part of its responsibility, will assist workers in finding employment or other aid. The State Farmers Union president or staff and the Green Thumb project director will meet with those individual trainees who wish to work out plans for continued employment. The State Farmers Union will circulate to prospective employers the names and qualifications of trainees. The State farmers union will also make arrangements for discussions with financial institutions and the Small Business Administration officials, etc., for those wishing to start nursery or gardening businesses. The State office will also maintain relationship with the appropriate labor union to assist in continued employment for these workers.

FEBRUARY 23, 1966.

Memorandum

To: All Green Thumb project staff.
From: Blue Carstenson.
Subject: Progress report.

Jim Johnson, project coordinator for Arkansas, reports that the worker-trainees are now at work in Cleveland County as of today. Last Wednesday the crews went to work in Pike County, Ark. Red Johnson reported that their average age was much older than anticipated—about 71 years of age. They had to provide more medical examinations than anticipated because of bad hearts and hernias discovered in the health examinations. The average income of the worker-trainee hired was about \$700 a year. The reduced income ceiling set by the Office of Economic Opportunity is causing the rejection of many more trying to get along on social security. However, Jim indicates that they could hire double the number allowed if they had more money. After a little difficulty on insurance, they were able to get their workmen's compensation.

I traveled to Minnesota and Oregon last week. Percy Hagen was hired as the State director in Minnesota. He has set up offices in Wadena and is working with the Otter-tail Community Action Council. He says he has free space offered in Wadena for classrooms. He has been on the job less than a week and every day was well below zero. He hopes that everything will be set to go by mid-March.

Russ Steen has tentatively selected his first 10 worker-trainees. Their average age was about 69. He has hired part-time staffers for 3 weeks to help him do recruiting—Clinton Byers, Vern Mohler, and Bob Elkins. The office is functioning. Meetings with the highway commissioner and his staff, the State OEO director, and TAP committees and the employment service have been most effective.

Hank Wilcox and Sam Lipetz are meeting with local extension and Farmers Home representatives on a recruitment drive which starts next week. They have opened offices in the same building as the State OEO office. They expect to have things in operation by the middle of March. The earlier attack by the Farm Bureau of New Jersey has now been turned into a public relations and organizational advantage. The Extension Service is giving us real help.

The prevailing wage has been set by the State labor departments (in writing) as follows: Arkansas, \$1.25; Minnesota, \$1.50 (tentatively); Oregon, \$1.50; and New Jersey, \$1.50.

The safety hats are being shipped to you and are on the way. We will provide you with a Green Thumb stencil for the hats and vests which can be applied at class sessions. The vests will be shipped in about 9 days.

Additional Green Thumb projects are being actively worked upon in Wisconsin and we hope that the earlier applications for Iowa and Indiana can proceed shortly.

The first national training session will be held in Denver, Colo., on March 11, 12, 13, 14, and 15, 9 a.m. to 9 p.m., at the National Farmers Union headquarters. On board for presentations to worker-trainees will be Dr. Robert McCan, the national OEO representative who has worked with us on developing Green Thumb, Sidney Spector, Director of Senior Citizens Housing of the Department of Housing and Urban Development and formerly director of the Senate Committee on Aging, plus presentations by Russ Steen and Hank Wilcox and appearances by Jim Patton, Tony Dechant, and Walter Hasty.

We will be housed at the Shirley-Savoy Hotel, 17th and Broadway, starting Thursday evening, March 11, 1966.

We realize that this may change starting schedules in New Jersey and Minnesota but we feel that we have to hold this session at the same time as our national convention to save staff time and travel. The Green Thumb Executive Board will meet on either the 16th or 17th of March. The national advisory committee will meet on Sunday, the 13th, at the NFU headquarters at 3 p.m. This will include representatives of the worker-trainees and chairman of the State TAP committees (excluding New Jersey for this time). The next Green Thumb Advisory Committee meeting will be held in Washington.

As soon as you have workmen's compensation coverage and a State prevailing wage, we can release your additional funds for employing worker-trainees. See you in Denver.

Mr. MORSE. Mr. President, the elderly too have a great stake in this bill. For their sake, for the sake of the country, I urge the Senate not to cut the authorizations in this bill but vote to sustain the full amounts recommended by the committee.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BIBLE. Mr. President, I have at the desk amendment No. 947, which I call up.

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada will be stated.

The legislative clerk read the amendment (No. 947), as follows:

At the end of the bill add a new section as follows:

"PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

"SEC. 26. Clause (3) of section 401(b) of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"(3) no area shall be designated which does not have a population of at least one thousand five hundred persons, except that this limitation shall not apply to any area designated under section 401(a)(3); and."

Mr. BIBLE. Mr. President, I yield myself such time as I may require to explain the amendment.

First, I ask unanimous consent that the name of my colleague from Nevada [Mr. CANNON] be included as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, this amendment is designed to take care of a situation that arises in my State where we have a number of Indian tribes and Indian reservations.

Section 401(b) of the Public Works and Economic Development Act of 1965 as it now reads puts a limitation of 1,000, populationwise, on Indian tribes and colonies.

I did not realize the difficulty this provision created in my own State until it was called to my attention by the chairman of the planning board of that State.

He pointed out that the Paiute Indian Tribe, in Nevada, which is attempting to develop the Pyramid Lake had not been cleared under the Area Redevelopment Agency.

In the meantime, the law which I am seeking to amend, was passed, which included the 1,000 population limitation. The Pyramid Lake Paiute Tribe cannot meet this population limitation requirement, because at the last census it had only 399 members.

They are very anxious to be brought under the purview of the law, because they had arranged this originally with the Area Redevelopment Agency. The application had been cleared. However, they do not qualify under the limitation of population.

I have found, in checking the tribes in my State, that there is no tribe that has as many residents on the actual reservation that is required under the present law. The populations vary in size from 59 to 817.

These people are badly in need of help under this particular legislation. The amendment is intended to qualify them. It must be checked and approved both by the Department of the Interior and the Department of Commerce, before they qualify. This should be an adequate safeguard.

I have talked the amendment over with the manager of the bill and members of the committee as well. I am advised they have no particular objection to this amendment.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. DIRKSEN. I understand Mr. FANNIN is a cosponsor.

Mr. BIBLE. I am delighted to add his name to the amendment, because I am certain there are tribes in his State who are likewise affected. I ask that his name be added as a cosponsor.

Mr. RANDOLPH. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. RANDOLPH. The legislation referred to and sought to be amended is the Public Works and Economic Development Act. We have attempted, insofar as possible, to make the act applicable to the needs of the people and the people within communities.

I have had the privilege of discussing this matter with both the Senator from Nevada [Mr. BIBLE] and the Senator from Arizona [Mr. FANNIN]. Those of us who worked on the basic legislation within the Public Works Committee, are concerned that the act will actually help people to help themselves, and that is the end contemplated by this amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, we on this side have looked the amendment over. The Senator from Arizona [Mr. FANNIN] is for it. We cannot see anything wrong with it.

Since it is a matter of first impression for us, that if something develops in the conference that bears upon it, we ask that we have the privilege of discussing the matter with the Senator if any basic, substantive questions arise.

Mr. BIBLE. I understand the caveat the Senator from New York raises. I think it is a proper one, and I shall be happy to proceed with that understanding.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. CLARK. Mr. President I should like to have just 1 minute to clarify the record.

This amendment applies, as I understand it, tries to correct an unfortunate and perhaps unworkable limitation on the benefits which can be given to members of Indian tribes, in instances where the tribe is less than 1,000 strong. It has been discussed with majority and minority counsel. Accordingly, I am prepared to accept it.

Mr. BIBLE. I appreciate the sentiments of the Senator from Pennsylvania. I yield back the remainder of my time.

Mr. CLARK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

The PRESIDING OFFICER. The bill (S. 3164) is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CLARK. Mr. President, there has been so much confusion here that I was not able to hear what was going on.

It is my understanding that the Senator from Virginia [Mr. BYRD] has an amendment which he wished to offer. It occurs to me that, despite the fact that we have had the third reading, we ought to have a short quorum call. Is that agreeable?

Mr. DIRKSEN. As I recall the amendment, I do not believe it is germane under the time limitation.

The PRESIDING OFFICER. We have already had the third reading. That procedure would require unanimous consent.

Mr. CLARK. I was going to ask unanimous consent.

Mr. DIRKSEN. All right, suppose we have a short quorum call.

Mr. CLARK. Mr. President, I ask unanimous consent accordingly.

Mr. RUSSELL of Georgia. Mr. President, without objection, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I yield myself 3 minutes on the bill.

As a result of the adoption of the Dirksen amendment, there is a technical deficiency in the bill with which we should not go to conference with. Because the Dirksen amendment merely dealt with the total money figure, it is necessary, in order to get the bill in proper legal and legislative shape, to put into it a technical amendment, without which the bill is imperfect.

Therefore, I ask unanimous consent that the order for the third reading be vacated, in order that I may represent this technical amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. CLARK. Since we have only one copy, and since it is short, I will read it.

The amendment is as follows:

On page 18, beginning at line 24, strike everything up to and including line 3 on page 19 and substitute therefor the following: "exceed \$568,000,000 for the purpose of carrying out title I of such Act; \$944,000,000 for the purpose of".

On page 19, line 7, strike "\$160,000,000" and insert in lieu thereof "\$100,000,000".

The purpose of this amendment is to bring the total of the authorizations in the bill to the amount which the Senate fixed when it adopted the Dirksen amendment.

Mr. RUSSELL of Georgia. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL of Georgia. I ask the Senator how the figures that make up those components in the Senator's amendment compare with the figures submitted by the President.

Mr. CLARK. The total is identical with the budget figure of the President.

Mr. RUSSELL of Georgia. I understand.

Mr. CLARK. The amount on title II, which has been in controversy all day long, is identical with the amount recommended by the President.

I have here a sheet, which I shall be glad to show the Senator from Georgia, which gives the detailed breakdown of the figures which total the \$1.75 billion which the Dirksen amendment requires.

There is one change made. Title V, which is the work experience title, has been decreased by a total of \$60 million, which has been added to title I for the purpose of refurbishing and keeping alive the programs there.

Mr. RUSSELL of Georgia. Do I understand that this does not affect the amendment offered by the Senator from Vermont, and agreed to by the Senate

earlier, providing that a third of these funds will be set apart?

Mr. CLARK. Not at all.

Mr. DIRKSEN. Mr. President, every one of the component items that makes up the total is so phrased that it says "not to exceed x dollars shall be expended," for that title or that part of the title. There is ample flexibility, even administratively, to modify this. We had some discussion about it, and came to that conclusion. If that is not correct, it is a very easy matter to modify those in conference to make them conform.

But, because of the flexibility of the language in the bill, it occurs to me that that takes care of it very nicely.

Mr. CLARK. Mr. President, I am not going to argue with my friend from Illinois about a matter which is strictly technical. I wish to assure the Senator from Illinois and everybody else that the bill is defective unless we agree to this amendment.

Mr. RUSSELL of Georgia. Mr. President, the Senator is undoubtedly correct that the bill would be legally defective if we leave those amendments there, unless there is some transferability clause in the bill. I assume there is. Unless there is some very elastic transferability clause in the bill, it would be very seriously defective.

Mr. CLARK. I say to the Senator from Georgia that there is a flexibility clause in title II, which is the controversial title of the bill.

Mr. RUSSELL of Georgia. Between titles?

Mr. CLARK. Not between titles.

Mr. DIRKSEN. I have no objection to going ahead and voting on it.

Mr. CLARK. Mr. President, I press the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. JAVITS. One question. This does not exclude any programs now in the bill?

Mr. CLARK. It does not.

Mr. JAVITS. The programs contained in the bill would remain as they are?

Mr. CLARK. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Did we reconsider the third reading?

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. Mr. President, the Senator from Virginia [Mr. BYRD] has an amendment which I am respectfully unable to agree to. I suggest that he take whatever time he needs to present his amendment.

Mr. BYRD of Virginia. Mr. President, I call up my amendment No. 946 and ask

that it be stated. The amendment is self-explanatory.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 49, between lines 14 and 15, insert the following new section:

"PROHIBITION AGAINST ASSISTANCE TO ANY INDIVIDUAL WHO INCITES A RIOT AND TO ANY SUBVERSIVE ORGANIZATION

"Sec. 24. Title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST ASSISTANCE TO ANY INDIVIDUAL WHO INCITES A RIOT AND TO ANY SUBVERSIVE ORGANIZATION

"Sec. 618. (a) None of the funds appropriated pursuant to this Act may be used to provide payments, assistance, or services, in any form, with respect to any individual who—

"(1) incites, promotes, encourages, or carries on, or facilitates the incitement, promotion, encouragement, or carrying on of, a riot or other civil disturbance in violation of Federal, State, or local laws designed to preserve the peace of the community concerned or to protect the persons or property of residents of such community; or

"(2) assists, encourages, or instructs any other individual to commit or perform any act specified in paragraph (1).

"(b) or is a member of any organization designated as a subversive organization by the Attorney General of the United States."

On page 49, line 16, strike out "Sec. 24" and substitute "Sec. 25".

On page 50, line 7, strike out "Sec. 25" and substitute "Sec. 26".

Mr. BYRD of Virginia. Mr. President, I will be very glad to discuss the amendment at length if it is necessary. However, it seems to me that the amendment is clear on its face.

The amendment was agreed to in the House of Representatives in identical form with one exception, and that is with respect to paragraph (b) on page 2.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. CLARK. Mr. President, if the Senator would strike paragraph (b), which is very controversial indeed, I would certainly have less objection to his amendment, and he might get a couple of more votes.

Mr. BYRD of Virginia. Before making a decision to do so, I ask the Senator from Pennsylvania if he would accept the amendment under those conditions.

Mr. CLARK. I would be willing to accept it and take it to conference, but I do not think my friends on the Republican side would.

Mr. BYRD of Virginia. The amendment is a reasonable one. We are dealing with the money of our taxpayers.

It would not be appropriate that any of these funds be expended in the interest of any individual who participates in, promotes, encourages, or incites riots or disturbances, or who is a member of an organization designated as subversive.

I will be very glad to discuss the amendment further if it needs additional discussion, but it seems to me that it is very clear.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient

second, and the yeas and nays are ordered.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, may I be recognized before the yeas and nays are ordered? I hope that we would not call for the yeas and nays before we have a short quorum call to decide what the leadership wants to do with respect to the matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. HOLLAND. It would take a unanimous-consent agreement to vacate the further action that the Senator from Pennsylvania suggested.

The PRESIDING OFFICER. A quorum call is in process at the moment, and the clerk will resume the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I think I can say, with the permission of the minority leader, that I will yield myself 5 minutes under the bill.

Mr. President, the amendment which was just referred to by Senator BYRD was adopted in the House, but not in the same language. This poses very serious problems for all of us.

I appeal to those of my colleagues who are lawyers to listen to me now, because a very profound civil liberties question is involved. The press has properly attacked the so-called riot amendment, which was adopted in the House, as a real exercise of a judgment in vagaries.

The House amendment is as follows:

No part of the funds authorized to be appropriated by this Act to carry out the provisions of the Economic Opportunity Act of 1964 shall be used to provide payments, assistance, or services, in any form, with respect to any individual who—

(1) incites, promotes, encourages, or carries on, or facilitates the incitement, promotion, encouragement, or carrying on of, a riot or other civil disturbance in violation of Federal, State, or local laws.

If what the Senator from Virginia means to do is to bring the House provision over to the Senate his language is not the same. He says "may be used." He does not say "shall be used." He says "may be used." That is the amendment of the Senator from Virginia. But in presenting it to the Senate, he said it is the same as the House amendment. Therefore, we must assume that the word "may" is mandatory. It can be con-

strued either way. He has construed it himself.

Mr. President, if this is mandatory, the amendment would then require a trial by the administrator in the case of every individual who is a poverty recipient, including—because this deals with direct or indirect assistance in any form—any client of a community action agency.

Mr. President, we had our experience with this subject in the student loan program, when we imposed a similar condition with respect to those who were eligible to get loans, a condition which was violently objected to on the floor. Many colleges did not take the loans, and we finally had to recede from that condition. We now have that experience in the case of medicare, with aged people having to fill out a non-Communist affidavit, to which there is enormous objection in the country. Now, Mr. President, we are going to put it into the poverty program, with the millions—literally millions—of people who are concerned.

Either it will not be obeyed, or it will impose an intolerable burden upon the administrator and further demean those who become clients or beneficiaries of the poverty agency. Especially is this inappropriate as the acts referred to are already criminal. It is the normal tradition of our country to punish a man for a crime, but a bill of attainder is not issued against him.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. As a matter of interpretation, there are several "or's" here. Let us take the latter half of each clause. I should like to ask the Senator just what is the meaning of, and of what must one be guilty, to "facilitate the encouragement of a civil disturbance."

Mr. JAVITS. I suppose that if one opens the door or closes the door of his house in such a way as to aid a mob which is in the street, depending upon the circumstances, he might be "facilitating" either by harboring its members or by preventing anybody from seeking shelter. I have no idea what its limits are.

Mr. GORE. This says "facilitate." A riot is one thing, but to "facilitate the encouragement of a civil disturbance in violation of a local law" is another. What kind of law, and what is the civil disturbance? This amendment is not confined to riots.

Mr. JAVITS. The Senator is helping me immeasurably.

I think this is a can of worms we are opening, which the House was unwise enough to open. We are going to deal with it in conference. This bill has been on the rack enough now. We are going to lock this provision in if we adopt it.

Mr. GORE. Does the Senator agree that this is far more encompassing than the incitement to riot?

Mr. JAVITS. There is no question about that.

The Senator, as a lawyer, has pointed out the enormous barn doors which are open in this situation and left to the judgment of the administrator. He may never have time to do anything else but

make such judgments in the literally millions of cases, given this mandatory provision.

Mr. President, just because the House could not see the problem in this matter—without any disrespect—does not mean that we should be blind.

I think it is demeaning to the poor, who would be the beneficiaries of these programs. We would be just blindly following the House.

I hope that good sense, good judgment, and sound administrative understanding in the Senate will turn back this amendment. I know that the Senator from Virginia means very well and that he feels deeply exercised about those who foment riots. But we are running the Government, and this Government does not issue bills of attainder. If a man has committed a crime, he will be punished.

I hope that, in the exercise of decent and intelligent judgment, the Senate will turn down this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 5 additional minutes on the bill.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. If two individuals become involved in fistcuffs, would that be a civil disturbance?

Mr. JAVITS. I think it might easily be a civil disturbance. It would pose a problem for the administrator. And if one fellow held the other chap's coat, I think he probably would be facilitating the disturbance.

Mr. GORE. I am attempting to ascertain the meaning of this all-sweeping amendment.

Mr. JAVITS. The Senator has never said a truer word than in calling it all-sweeping. We are getting into a can of worms, and one which is quite irrelevant to the basic subject of poverty. Because the House did it, we are supposed to do it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. The amendment of the Senator from Virginia premises the imposition of the penalty on the basis that a law has been violated. Now, then, if there is violation of law, are we to suppose that such conduct should be encouraged and condoned?

One of the great problems confronting our country today is the absolute indifference with which we are looking upon violation of law. I just heard the Senator from Tennessee discuss the subject, and he asked what type of law was meant. Well, if it is a law, it is a law. And the law should be obeyed, whether the person believes in it or not.

So, I should like to ask the Senator to justify his position that the violator of a law, or an organization that induces the violation of a law, should be given aid under the program.

Mr. JAVITS. There are two answers to the question. One, this says "violation of a law." It does not require the finding of a court by conviction or any other judicial proceeding. The administrator will have to find in each case

whether or not a local, Federal, or State law has been violated.

Second, Mr. President, in our country we do not impose sanctions under various laws for the violation of all kinds of other laws. We do not do it with the maritime industry, we do not do it with the transportation industry, we do not do it with the airlines, we do not do it with the farmers, we do not do it with a host of people who benefit under other programs of this Government. Why do it with the poor man, who can least afford it? It is basically unfair.

In addition, it is an administrative monstrosity, because it does not require a judicial finding or a conviction or anything else. It just says that the administrator shall determine that a person has or has not violated some local law, which could be, as the Senator from Tennessee truly says, a fistfight altercation between two men.

The man has not been tried by a magistrate, but there is a mandate to the administrator of the OEO to deny him any participation in that program, not only directly, if he is in the Job Corps, or one of the other programs, but indirectly, if he benefits from the Head-start program or another program.

Mr. RUSSELL of Georgia. Mr. President, I may say to the Senator that up until about 3 years ago I would have agreed completely with everything he said. But the Congress has now passed laws which put in the agencies of this country the power, administratively, if they find that any school has an improper proportion of teachers as to races, or students as to races, or hospitals as to races, to deny them any funds without any legal action being taken at all other than by administrative findings.

I did not believe it then, but we have it now on a tremendous scale, and in language sketchier than this.

The Department of Health, Education, and Welfare can deny funds and take away from people money to which they are otherwise entitled, just as this proposes to take away money from people who happen to violate the laws with respect to rioting. This is much more clear. The Department of Health, Education, and Welfare is denying funds to school districts and to hospitals in this country.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, first I wish to reply.

With all due respect to the distinguished Senator from Georgia [Mr. RUSSELL] I wish to point out that I was stating that this provision applied to millions of individuals, rather than to institutions or organizations that have books and representatives, and so on.

It is the single individual who is the beneficiary under this program, and there are some 4 million such individuals, so that the administrator is given a burden that nobody could carry.

Mr. RUSSELL of Georgia. The Senator is an able lawyer. The Senator is one of the ablest lawyers I have known but he undertakes to make that distinction without their being a real question.

Mr. JAVITS. Mr. President, I respect the view of the Senator, but I disagree. There is a great difference in dealing with hospitals and schools.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield 2 additional minutes to myself.

Mr. President, there is an unbelievable multitude of individuals in the poverty program.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. The Senator says that there should be a finding by a court. I submit to the Senator from New York, if he is acquainted with the law in the degree I believe he is, findings of another court generally are not accepted as conclusive of the facts involved in a dispute. But if he is correct and he says there should be a finding of court, what would he say if a court in Mississippi made a finding? Does the Senator say that that should be binding upon the Administrator?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, in answer to the question of the Senator from Ohio [Mr. LAUSCHE], I did not concede that the only thing wrong with this was the lack of a finding by the court. I simply pointed out that there was not even that much assistance to help the Administrator implement this provision.

In addition, I am well acquainted with the rule on recognition of collateral judgments. That is not involved here. The Administrator would himself have to try every case. But the provision would be bad if it had that qualification on collateral judgments because of the multiplicity of administrative effort and because it runs so much against the grain of American tradition in connection with alleged crime.

Mr. LAUSCHE. How does the Senator answer the argument of the Senator from Georgia [Mr. RUSSELL]?

Mr. JAVITS. I answered that by saying that we are dealing in civil rights acts with establishments and not with millions of individuals, which is what we have here.

If this step is taken here it should be taken in every farm program. In all fairness and decency, there should be a similar standard in every farm program. I can see smiles on the faces of some Senators when I make that suggestion. We would not think of it. There is not any more reason here than in the case of the loans to college students, on which we marched up the hill and down the hill. They had the gumption to protest. I do not know about the poor. They may have to lie down and take it.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. THURMOND. Mr. President, I can wait. I was going to propound a question.

Mr. RUSSELL of Georgia. Mr. President, I had not intended to get into this

argument at all. I learned several years ago that when certain issues are mentioned the Senate does not operate at all on reason, or justice, or rationality, but purely on emotions.

When I heard the distinguished Senator from New York [Mr. JAVITS] reply that this is for poor people I could not help but think of the impoverished little school districts in my State where poor children are feeling the brunt—and you can say what you will. They are the ones. It is not the trustees. It does not take from the trustees in the school district, or from the teachers, but it hurts the children of the school district when they are denied funds purely on administrative findings and in many cases without a hearing.

In the case of hospitals you are dealing with the sick, the lame, and the halt, those suffering from some dire disease.

It is not correct to say you do not hurt any poor person when you deny funds to a hospital. You do not hurt the trustees of the hospital when you withdraw funds from them and threaten to close their doors. Most of them are in good health and able to get a doctor.

The people who lose by it are the poor, more often than not the cases in the hospital beds, having some public funds of the community. They are the ones who are hurt.

Talk to me not about the poor being injured by this amendment and say that these so-called guideline proposals that take money from the poor, schools, and hospitals, do not affect the poor. There is a striking similarity here in the two cases.

The Senator from New York [Mr. JAVITS] is right in his legal argument that it is a terrible thing to have administrative findings weigh so heavily on the people of any community, whether they be poor or rich—findings of any bureaucrat, whether it is in the Federal Government or the State. But it is here.

In my own State I see the result in the very poorest sections of the State and the very poorest people of the State.

If you are going to get it down to a measure or standard of poverty, that is where you will feel the pinch; it hurts those suffering from some disease who are in a hospital that is denied any Federal funds.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL of Georgia. I yield.

Mr. LAUSCHE. Does the Senator know of any provision in the laws that we have in the allocation of grants and loans which provide that before loans and grants can be given there must be a judicial finding as distinguished from a finding of a bureaucrat?

Mr. RUSSELL of Georgia. I know of no requirement for judicial findings. All are done on administrative findings.

The only reason I rose was because the Senator from New York stressed the poor people.

I know something about poverty. I lived in a very poor area of my State all of my life, and I know that these administrative findings weigh as heavily or more heavily on poor people than on any other under this proposed amendment.

I am not particularly enamored of the amendment. I do not believe in these findings being used so harshly against citizens of the United States, but if they are going to be used, they should be used uniformly.

Mr. GORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. Mr. President, there is an old adage that two wrongs do not make a right. The Senate will recall that, with a heavy heart, I voted against the civil rights bill of 1964, after I was unable, by amendment, to strike from the bill title VI, which I thought gave sweeping authority for administrative arbitrariness, and possible tyranny, in withholding funds which, as the able and distinguished Senator from Georgia [Mr. RUSSELL] has stated, hurts those who have committed no wrong and who need help the most.

I voted against the bill because of that, and I do not now propose to vote for the same principle of withholding funds for an indefinite and obscure reason, subject to the interpretation of an administrative official.

The fact that the other House passed this amendment lends no particular value to it. It must have been passed in haste. If Senators will just read the proposed amendment and go beyond the word "inciting" and the word "riot," they will find indefinite terms such as "facilitating the encouragement of a civil disturbance."

I do not know what that means, and no one has been able to tell us what it means. I do not propose to vote to withhold funds to relieve poverty because some administrative official may have determined that a group of persons may have "facilitated the encouragement of a civil disturbance."

It seems to me that this is an ill-advised amendment that vests arbitrary authority upon Federal officials in a field of human relations that is the province of local and State authorities. Whose prerogative or duty should it be to determine if someone is guilty of creating or "facilitating the encouragement of a civil disturbance in violation of local laws? It seems to me that both the judgment and punishment belongs in local authorities. This, at least, is a doubtful province for Federal withholding of funds.

Mr. LAUSCHE. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. LAUSCHE. In other words, the Senator from Tennessee is attempting to present to the Senate an argument showing his consistency, but that consistency does protect the Senator from Tennessee but does not protect the Senator from New York, who advocated one system with regard to one class and now advocates another system with regard to another class.

Mr. GORE. Well, Mr. President, I have not always been consistent. I think the principle involved in both instances

is far more important than my consistency or my inconsistency, and I apologize to the Senate for the immodesty of the reference. I thus sought to make a point.

Mr. RUSSELL of Georgia. Mr. President, if the Senator from Tennessee will yield just a moment, I wish to say to him that he is one of the few people here whose credentials permit him to make the statement he has just made.

Mr. GORE. Mr. President, I appreciate that encomium but the principle involved here is wrong. If a man has committed a civil disturbance and has gotten into fistcuffs or a fracas there are local laws on the books to take care of him. Why should the Senate undertake to withhold funds on a poverty program for such a reason as that?

This amendment is not worthy of the Senate. I wish the Senator from Virginia would withdraw it.

Mr. SALTONSTALL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. SALTONSTALL. Mr. President, I shall vote against the amendment but I want to vote for the bill. I want to point out a completely different reason from the argument which has just been made.

In the first place the Senator's amendment proposes as a subsection (b), "If a man is a member of any organization designated as a subversive organization by the Attorney General of the United States." That, in my opinion, would be utterly impossible to administer in a case of this kind where we are trying to get funds to people who so desperately need them and all that goes with it. If we include that statement in the bill, we will be making it impossible to administer this section of the law on a practical basis.

Mr. President, I bring out the second point, which is that the House bill, which does not include that subparagraph about the member of any organization, states:

No part of the funds authorized to be appropriated shall be used to provide * * *.

That is in the House bill. It will be in conference, and if we do not pass this amendment, the conferees can change the "shall" to a "may," if it is important to the conferees to include that section in the bill. But if we include that subparagraph (b) now, it will be utterly impossible, in my opinion to administer it. The battle will be fought in the conference, so why pass this amendment now in this form?

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. CLARK. Mr. President, for reasons so cogently stated by the Senator from Tennessee [Mr. GORE], I am opposed to the amendment.

It is a sort of neo-McCarthy measure. I cannot bring myself to support it.

Mr. KENNEDY of New York. Mr. President, will my colleague from New York yield?

Mr. JAVITS. Mr. President, I yield 2 minutes to my colleague from New York. The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. KENNEDY of New York. Let me ask my colleague this question: Is it correct that title VI of the civil rights legislation, which has been discussed on the floor of the Senate today, provides for judicial review in connection with some of these matters?

Mr. JAVITS. The Senator is correct. Provision for judicial review from any administrative decision is taken care of under that title.

Mr. KENNEDY of New York. Is there anything in the amendment offered by the Senator from Virginia which carries any allowance for judicial review?

Mr. JAVITS. Certainly not.

Mr. KENNEDY of New York. That is an important distinction to keep in mind.

Let me add my words of commendation for my colleague from New York, who I think has summarized in the best possible way the opposition to the pending amendment. I am also opposed to it. What we have done today—really, earlier this afternoon, in which I believe the administration made a mistake—is a reaction to the victory of Mr. Maddox in Georgia, Mr. Mahoney in Maryland, and the defeat of Representative Morrison of Louisiana, and some other events taking place in the political lives of all of us across the United States today.

I think the need is acute for the United States to help the poor and needy, and to help those who have been discriminated against for such a long period of time. We turned our backs earlier this afternoon on those who need help so desperately. The pending amendment is a further aspect of trying to deal with this so-called backlash which, in my judgment, is a terrible mistake.

Mr. DIRKSEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield 2 minutes to the Senator from Illinois.

Mr. DIRKSEN. I am thinking perhaps, Mr. President, that the pending amendment is not germane under the rule. I am not insensible to the fact that comparable language appears in the House bill, except for the final subsection. It may be that there is no exact precedent that is in point with respect to the matter. It could be submitted to the Senate. Let the Senate pass on its germaneness, and that can be done today. I suggest we let it go to a vote, even though I have doubts about the germaneness of the bill.

Mr. THURMOND. Mr. President, are the proponents going to be allowed to say anything about the amendment?

Mr. JAVITS. The Senator has one-half hour.

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, there has been a lot said here about this amendment.

What the amendment would do is this: it would provide that no one would get payment from the fund if he incites, promotes, encourages, or carries on a riot or other civil disturbance in violation of law—Federal law, State law, or local law.

What is wrong with that?

Should an administrator wish to provide funds to anyone who participated in a riot or encouraged a riot, or engaged in a civil disturbance in violation of State, Federal, or local law.

This amendment, to my way of thinking, is sound and will help the administration of the program.

Whether we know it or not, many people have been saying that a great many people engaged in these programs have actually encouraged riots.

I do not know whether that is true but, in my opinion, the pending amendment would be wholesome and the administrator would have the right to withhold funds from any individual who participated in a riot, or promoted one, or engaged in any other civil disturbance.

As the Senator from New York brought out, there is judicial review, in that anyone who feels he is aggrieved by the administrator's action, can appeal. He has that review. So his rights are protected.

Mr. President, it seems to me that with the riots taking place in this country today, the Senate should be eager to adopt this amendment.

There should be no reluctance whatever on the part of the Senate or of every Senator here to adopt this amendment.

We have heard much about civil liberties and terminology along that line. It is said that if we adopt this amendment it will deprive somebody of civil liberties. Mr. President, it deprives nobody of civil liberties. I wonder if in recent years we have not attempted to place the rights of individuals above the rights of society. Sure, I believe in personal rights. I believe in genuine civil rights, but we must put the rights of society above the rights of the individual.

That is what is being done by this amendment—putting the rights of society first. If anyone creates a riot or a civil disturbance, the administrator can say to him, "You are causing us trouble. You will bring our program in disrepute. Because of that, we cannot keep you on the payroll any longer."

That is the practical effect of the amendment. Again, I say, What is wrong with that? Why should not the administrator have the right to say to any individual, "You are causing a civil disturbance. You participated in a riot. Therefore we are not going to continue you in this program"?

I think to give the administrator of the program this power would be a fine step for the Senate to take, because some of the matters that have been mentioned have gone too far.

As the Senator from Georgia pointed out, to withhold funds from hospitals and schools is a different situation. If funds are withheld from a hospital, a whole group is punished; if funds are withheld from schools, teachers and schoolchildren are being punished. Here it is one individual.

If an individual violates a State or local or Federal law, the Administrator will be saying to him, "We cannot keep you on the program." If he does not pursue that course, the man's rights are not infringed. If he does pursue them and he feels that his rights are infringed, he has the right of review.

I hope the Senate adopts the amendment. The people of the country are disturbed over the riots. It is going to be hard for a Senator to go back home or anywhere else and explain why he took a position contrary to the public good, because if he does not vote to adopt the amendment, that is the position he will be taking.

With regard to subsection (b) of section 618 of the amendment, it is provided that none of the funds appropriated may go to an individual who is a member of any organization designated as a subversive organization by the Attorney General of the United States.

Again I want to ask, Why should anyone receive pay from the Government of the United States who belongs to a subversive organization? What is a subversive organization? A subversive organization is one that would overthrow the Government of the United States. A subversive organization is an organization that does not believe in the republican type of government we have. And if one is a member of such an organization and if he adopts the principles of such organization by joining it, then it seems to me he should be deprived of the right of receiving money from that same government which provides an individual the greatest liberty that has ever been provided to any individual.

Mr. JAVITS. Mr. President, I yield myself 1 minute. I shall yield next to the Senator from Rhode Island [Mr. PASTORE] but before I do so, let me say a word.

I take pride in having listened to my colleagues who have spoken in opposition to this amendment. This is a situation in which we have to keep our heads, when those all around us are losing theirs. That is why we are the Senate. I speak with deep feeling that it was right for them to speak in opposition to the amendment. I am deeply gratified that so many of my distinguished colleagues have spoken along this line.

I yield now 3 minutes to the Senator from Rhode Island [Mr. PASTORE].

Mr. PASTORE. Mr. President, there is no one in the Senate who feels more strongly against riots and the use of violence in order to accomplish civil rights in America than I do. Civil rights in America are guaranteed under the Constitution of the United States. I do not think anyone should indulge in vandalism, rioting, or any kind of violence in order to accomplish the nobility and spirit of those rights.

But this amendment does not belong in this bill. It has no place in this bill because the connotation of this amendment debauches—I repeat, debauches—the poverty program.

To leave the impression that the people who are administering this law are encouraging those who use violence or encouraging any rioting is a bad reflection not only on the program but on the stature of the U.S. Senate. That is the reason why I am against it.

When the proper time comes and the time on the amendment is consumed, I shall move to lay the amendment on the table, because I do not think it belongs in this legislation.

I do not question the sincerity of men who have very strong feelings, because we all do, but to write it into this bill, where it has no place, I repeat again, debauches a bill by which we are trying to help the poor in this country.

Mr. JAVITS. Mr. President, I would be prepared to yield back my time, so that the Senator from Rhode Island [Mr. PASTORE] might make his motion. I do not know the desire of the Senator from Virginia [Mr. BYRD].

Mr. BYRD of Virginia. Mr. President, I yield 5 minutes to the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President, I do not agree with my distinguished friend, the Senator from Rhode Island, when he says that the purpose of this amendment or its meaning would tend to debauch this act. This amendment is very much like one which was proposed in the House of Representatives, and overwhelmingly adopted. It had been offered by a colleague of mine from Florida, who comes from a city which had a very unpleasant experience with one of the institutions set up under the poverty program.

That colleague of mine was trying to clean up the program in some ways. I think what he meant by the amendment, and I think this is the way the amendment would be enforced, is to insist that clients under the Job Corps program, who are getting training at a cost greater than it would take to send those clients to the most expensive university should desist from participation in riots and acts of violence, and if they do undertake such activities they should automatically lose their right to continue to get the beneficence of the Government out of the pockets of the taxpayers.

It means that members of the Youth Corps—and that is another one of the organizations which has been in trouble and disrepute—must have some notice that if they get into that kind of activity they automatically forfeit their right to the training which is given them at public expense under the provisions of the Poverty Act.

There are some words in the amendment which I would change. I would change the word "may" in line 5, page 2, to "shall." I think it should be mandatory.

I would strike out all of line 9, on page 2, and the first four words in line 10, so as to eliminate the difficulty very properly referred to by the Senator from Tennessee, because those words, "or fa-

cilitates the incitement, promotion, encouragement, or carrying on of," are difficult words to interpret, and I think they go too far.

That would leave the amendment reading "incites, promotes, encourages, or carries on a riot or other civil disturbance in violation of Federal, State, or local laws designed to preserve the peace."

I cannot see, to save my soul, why anyone should want some of the characters who are clients of this program in the Job Corps and in the Youth Corps to feel that they can engage in these riotous disturbances and still be proper subjects for the beneficence of their Government. Because I feel that way, I certainly shall support the amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield.

Mr. LAUSCHE. Will the Senator read again how the amendment would read if his suggestion were accepted by the Senator from Virginia?

Mr. HOLLAND. I would strike the word "may" and insert the word "shall" in line 5 of the printed amendment—that is the fifth word in the line—and I would strike all of line 9 and the first four words in line 10.

Mr. LAUSCHE. How would it read then?

Mr. HOLLAND. Section 1, which is the section that would be changed, would read as follows:

(1) incites, promotes, encourages, or carries on a riot or other civil disturbance in violation of Federal, State, or local laws designed to preserve the peace of the community concerned.

I see no reason in the world why a generous Government, trying to help people of the kind that it is seeking to help—and they have made a great many mistakes in their selections, and I suppose they will continue to do so, because, after all, they are dealing with an element that is untrained, uncouth, drop-outs, many of them delinquents, and they are bound to make mistakes—when those people who have made those mistakes go further, and engage in riots and demonstrations against the peace of the areas where they are being trained, I think the Administrator should be directed by Congress to drop them from the program.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield.

Mr. PASTORE. As a matter of fact, I would go so far as to say that any administrator who allowed any assistant to do any of the acts enumerated in this amendment ought to be fired.

Mr. LAUSCHE. Amen.

Mr. PASTORE. There is no question about that. I hope we are not creating the impression here that those opposing this amendment are for riots, or that we are encouraging anybody in Federal employment to be for riots.

All I am saying is that the connotation is bad, and if Mr. Shriver or anybody else encourages anybody in his department to incite a riot, to use a gun or a knife, or engage in vandalism, he ought to be fired.

But that is not what we are talking about here today. Why withhold funds from anybody who does that?

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BYRD of Virginia. Mr. President, I yield 5 additional minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I think I agree completely with the Senator from Rhode Island, that what we are trying to do is have the Senate say that it, too, agrees with the Senator from Rhode Island, and to clothe the Administrator of this program with a mandate from Congress that we think he does have the authority, and that we do direct him, when riots and demonstrations which are violent break out, and when his trainees take part in them, to automatically cut them off.

I yield to the Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Florida.

Mr. President, I ask unanimous consent to modify the amendment in accordance with the recommendations of the Senator from Florida.

Mr. CLARK. Mr. President, reserving the right to object, have not the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Is it not true that an amendment cannot be modified after the yeas and nays have been ordered?

The PRESIDING OFFICER. The Senator is correct, except by unanimous consent.

Mr. HOLLAND. Mr. President, we can reoffer it immediately, in a corrected way. I hope the Senator will not refuse that right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. I ask the Senator from New York, does he interpret this proposed amendment to mean that the children of a person who had committed any of these prohibited acts would be denied the right to participate in the Headstart program?

Mr. JAVITS. In my opinion, in response to the Senator from Vermont, if he will yield to me, may I say that the words used here, even after the amendment made by unanimous consent, relate to funds appropriated pursuant to this act to provide payments or assistance or services in any form. A parent of a Headstart child is responsible for that child, and for the care and training of that child; therefore, as Headstart would take over some of the responsibility of that parent by giving that child pre-school training, those are services which may well also go to the parent and which, in my judgment, may bring the parent under the provisions of this particular section. That is only my opinion, however, and would not, I hope, be binding

in any way with respect to this provision.

Mr. AIKEN. And it would be the children of a shady character who would receive the punishment for what their parent may have done in violation of the law by inciting a riot or doing any other prohibited act?

Mr. JAVITS. If the Senator will yield further, my answer to that question is "Yes," and I say that he emphasizes the viciousness of this amendment, because there are over 500,000 children in the Headstart program, and 4 million people under the antipoverty program. Every one of them would be affected, directly and personally, by this particular amendment.

Mr. AIKEN. Does the Senator feel that it would be in the best American traditions to punish the children for the sins of the fathers?

Mr. JAVITS. I think really, Mr. President, the best argument on that was made by the Senator from Tennessee [Mr. GORE] when he said it just does not make sense.

It would really dishearten me, make me feel low in heart, if this amendment were to carry.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GORE. The amendment unquestionably is improved by the change, but let me point out that sufficient change has not yet been made. Funds are to be withheld, still, from someone who encourages or carries on a civil disturbance in violation of Federal, State, or local laws.

Suppose there is a fracas after a high school football game or a dance. We are getting into a field of human relationships and conduct here which properly addresses itself, under our system of government, to the local government, both in determination of what is a violation of local law, and in the punishment. This is not, I agree with the Senator from Rhode Island, the proper vehicle for dealing with race riots.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute, to point out that the words "assists, encourages, or instructs any other individual," to which Senator GORE very properly objected, are still in the amendment, and that the item the Senator from Massachusetts referred to, "or is a member of any organization designated as a subversive organization by the Attorney General of the United States," remains a provision.

Mr. President, in fairness to the OEO, they have guidelines and ground rules which prevent their money from being used, or the individuals who work for them from engaging in or fomenting any disturbance. They enforce those rules very strictly.

The Senator from Rhode Island [Mr. PASTORE] was absolutely correct; no administrator would stay in office for 3 days who made himself a party to anything contrary to the understanding and the spirit with which we authorize this program.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate will state it.

Mr. CLARK. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Virginia has 14 minutes. The Senator from New York has 2 minutes.

Mr. CLARK. Does the Senator from Virginia desire additional time?

Mr. BYRD of Virginia. I yield 3 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to address a question to the Senator from Virginia along the lines of the colloquy between the distinguished Senator from Vermont and the Senator from New York.

Is my understanding of the language of the bill correct that if the parent of a child in the Operation Headstart program was involved in some sort of brawl or civil disturbance, that that child would not be eligible to continue his schooling?

Mr. BYRD of Virginia. The understanding of the Senator is correct.

Mr. TYDINGS. Would the Senator explain the language in section 618(a) which reads:

None of the funds appropriated pursuant to this Act may be used to provide payments, assistance, or services, in any form, with respect to any individual who—

Where does the Senator draw the line?

Mr. BYRD of Virginia. I do not think the child would be involved in the inciting, promoting, encouraging, or carrying on of a riot.

Mr. TYDINGS. Is it not a service to the parent to have the child in the Headstart program?

Mr. BYRD of Virginia. It is a service to the child also.

Mr. TYDINGS. In the case of the Job Corps or employment training program, in which a parent is enlisted in the retraining program or some type of Job Corps operation, if a parent of the child became involved in a civil disturbance of some type, what would then happen?

Mr. BYRD of Virginia. If an individual incites, promotes, encourages, or carries on, or facilitates the incitement, promotion, encouragement, or carrying on of, a riot or other civil disturbance, then these funds would not be available for that particular individual.

Mr. TYDINGS. It would not apply in any way to any member of the family of the individual?

Mr. BYRD of Virginia. It does not say "family." It says "individual."

Mr. TYDINGS. I know, but the point that concerns me—and I was initially going to vote with the Senator—is that the language of the amendment is such that it would literally be visiting the sins of the father on the child.

Mr. BYRD of Virginia. I do not agree with that interpretation at all. The Senator is privileged to interpret it as he thinks best. That is not the interpretation of the Senator from Virginia.

Mr. TYDINGS. Can the language then not be tightened in some way to protect against such a contingency?

It now reads:

None of the funds appropriated pursuant to this act may be used to provide payments, assistance, or services in any form, with respect to any individual who—

If the occasion involved assistance to a member of the family, it would be assistance in any form.

Mr. BYRD of Virginia. It seems clear to me that it applies to any individual who carries on these activities.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 additional minutes.

Mr. KENNEDY of New York. Mr. President, what is the definition of the Senator from Virginia of a civil disturbance?

Mr. BYRD of Virginia. The amendment reads:

Incites, promotes, encourages, or carries on, or facilitates the incitement, promotion, encouragement, or carrying on of a riot, or other civil disturbance in violation of Federal, State, or local laws.

Mr. KENNEDY of New York. What is the definition of the Senator?

Mr. BYRD of Virginia. It is a violation of the law with respect to keeping the peace.

Mr. KENNEDY of New York. If two people were to get into a fight, would that constitute a civil disturbance?

Mr. BYRD of Virginia. It would depend on the law of the locality involved. I am not a lawyer, I do not know all the technical ramifications. However, to me, the language is rather clear. It must be in violation of Federal, State, or local laws.

Mr. KENNEDY of New York. I think it is of some significance, if we are to vote on this really rather important amendment, to know the specific definition of a civil disturbance.

I think the amendment is very important. Perhaps it is possible to work out some language which would be acceptable. However, it seems to me that we ought to have hearings and testimony from a representative of the Department of Justice, law-enforcement officials, and others as to the phraseology with respect to this kind of an amendment.

It would be of vital importance. If we are going to vote today on an amendment—that might be very far reaching—which contains language which we cannot define with any exactitude, I think it is a very dangerous precedent.

Mr. BYRD of Virginia. I think the meaning of incitement to riot has already been defined with exactitude over a period of time. The amendment reads: "Riot or other civil disturbance in violation of Federal, State, or local laws designed to preserve the peace of the community concerned."

Mr. KENNEDY of New York. If there is a law in a local community against fighting and two children in the Headstart program get into a fight, would that be a civil disturbance?

Mr. BYRD of Virginia. I would say absolutely not.

Mr. KENNEDY of New York. They would be violating the law. They would perhaps not be prosecuted because they

are only 4 years old. However, the Administrator might say that is a civil disturbance.

Could they be thrown out of the Headstart program?

Mr. BYRD of Virginia. I would say absolutely not.

Mr. KENNEDY of New York. What if the children are 16 years old and get into a fight?

Mr. BYRD of Virginia. The Senator can take his interpretation of it. I do not interpret it in that way.

Mr. KENNEDY of New York. We are passing a law here which is of vital importance. Somebody will have to administer the law.

As has been pointed out, this would not be after the parties had been found guilty of a violation of the law. We could define that. We could say: "Who has been found guilty of a violation of the law." However, that is not the way this reads. This says that the Administrator must make that determination himself.

If two 16-year-old children who are receiving funds under a Federal poverty program get into a fight and one of them breaks a window, would that constitute a civil disturbance? I should like to find out.

Mr. BYRD of Virginia. I would assume that the Administrator would use reasonable judgment in handling that matter.

Mr. KENNEDY of New York. I think that is important to the Senate of the United States and particularly to those of us who are concerned about our laws and where we are going and what is being enacted into law in this body.

I think it is very important to have exact definitions of this kind of terminology.

I know that, as the Attorney General, I spent days and days with the Senator from North Carolina [Mr. ERVIN] before a congressional committee, defining every word and phrase in connection with civil rights legislation.

Here we have a very important piece of legislation which we are about to pass in the Senate and we have never had hearings on this particular question to find out the best way to deal with the problem.

Mr. HOLLAND. Mr. President, I point out to the distinguished Senator from New York that if no hearings were held, the committee had that duty, because the provision is contained in title XII of the House bill, beginning on page 50 thereof.

Mr. President, I ask unanimous consent that title XII of the House bill be printed at this point in the RECORD.

There being no objection, the title was ordered to be printed in the RECORD, as follows:

TITLE XII—GENERAL PROVISIONS

SEC. 1201. No part of the funds authorized to be appropriated by this Act to carry out the provisions of the Economic Opportunity Act of 1964 shall be used to provide payments, assistance, or services, in any form, with respect to any individual who—

(1) incites, promotes, encourages, or carries on, or facilitates the incitement, promotion, encouragement, or carrying on of, a riot or other civil disturbance in violation of

Federal, State, or local laws designed to preserve the peace of the community concerned or to protect the persons or property of residents of such community; or

(2) assists, encourages, or instructs any person to commit or perform any act specified in paragraph (1).

Mr. KENNEDY of New York. Do we have any real definition? Can we find out whether there is a definition of civil disturbance? Can the Senator tell me?

Mr. BYRD of Virginia. The Senator is a far better lawyer than I am. I am not a lawyer at all. However, certainly there is a reasonable definition of what constitutes a civil disturbance.

Mr. KENNEDY of New York. For my own information, I called the Department of Justice to find out their definition of a civil disturbance. They do not have any definition of civil disturbance.

I think that if we agree to this language, we would be in a great deal of difficulty.

Mr. BYRD of Virginia. If it is not a violation of the law, then there would be no civil disturbance.

Mr. BAYH. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. BAYH. Mr. President, I share a common concern with the Senator from Virginia in dealing with the matter of riots.

Is there any way in which the Senator from Virginia could possibly modify his amendment so as to deal only with riots?

The thing that concerns me is that the Senator, in his colloquy with the Senator from New York, pointed out the language with reference to a civil disturbance and noted that it would have to be in violation of the Federal, State, or local laws designed to preserve the peace of the community concerned. However, the language goes one step further and reads: "or to protect the persons or property of residents of such community."

This would bring into controversy a whole array of local ordinances, such as parking ordinances or traffic ordinances designed to protect the persons of property of residents.

It would get clear away from what I think the Senator is trying to do—stopping riots or aiding or encouraging those who incite or encourage riots.

Does the Senator think he has to have this all-encompassing language, or could he put a period at the end of the word "riot"?

I offer this as a suggestion. The Senator may follow his own course of action.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. THURMOND. Mr. President, I was interested in the question asked by the distinguished Senator from Indiana. As I interpret the amendment, it only applies to a civil disturbance that is in violation of Federal, State, or local law. Is that the way the Senator interprets it?

Mr. BAYH. That is the way I interpret it. However, the local law also deals with any local ordinance that is designed not only to cover a disturbance of the peace, but also, according to the last part of the sentence, to protect the persons or

property of residents of such community. That could involve a whole array of traffic or parking ordinances. I do not think the Senator from Virginia wants to incorporate such ordinances in the anti-riot measure.

Mr. THURMOND. Under the amendment, the Administrator would be given the authority to determine this question.

If a man incites a riot, participates in a riot, or creates a civil disturbance which violates a Federal, State, or local law, why should the Administrator not have the authority to determine this?

Mr. BAYH. I think that this matter has been covered very carefully by other Senators who have argued it more meticulously than I.

We do not want to take away a person's right to root out poverty if he violates some insignificant ordinance that really does not have anything to do with rioting.

Suppose one is guilty of a minor traffic violation. That is a violation of a local ordinance.

I thought we changed the wording in the Senate to conform with the House language, which does not say "may"; it says "shall." This gives the Administrator no authority to make any other decision, but that he shall. If it is a violation of a minor State law, it is still a violation of a State law. I do not think that is what the Senator from Virginia has in mind.

We all are concerned about not aiding or abetting those who encourage, carry on, and promote riots. I can find no argument with this premise. But we open the whole chickenhouse.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. I call the attention of the Senator from Indiana to the fact that the words he complains of will be in conference, anyhow, if we strike them here.

I was going to suggest to the Senator from Virginia that he strike everything in section 1 after the word "riot," and let us just make the issue single and complete. What we are attempting to do is to discourage the clients of the poverty corps from entering into riots, and I think we ought to do it.

Mr. BYRD of Virginia. I shall be glad to accept an amendment by the Senator from Indiana to modify this language to the extent of leaving out, on line 12, "or to protect the persons or property of residents of such community."

Mr. BAYH. I would be glad to offer an amendment. I am not sure of the parliamentary procedure.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to modify my amendment to that extent.

Mr. BAYH. In other words, the Senator would put a period after "riot." In other words, it would read, "any individual who incites, promotes, encourages, or carries on, a riot," period.

The PRESIDING OFFICER. Does the Senator desire to modify his amendment?

Mr. BYRD of Virginia. I modify my amendment in accordance with the recommendation of the Senator from Indiana.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Reserving the right to object, Mr. President, I am now convinced to restrain myself from making a motion to lay on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The amendment is so modified.

Mr. JAVITS. Mr. President, may we have the clerk report the amendment?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as modified, as follows:

On page 49, between lines 14 and 15, insert the following new section:

"PROHIBITION AGAINST ASSISTANCE TO ANY INDIVIDUAL WHO INCITES A RIOT AND TO ANY SUBVERSIVE ORGANIZATION

"SEC. 24. Title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"PROHIBITION AGAINST ASSISTANCE TO ANY INDIVIDUAL WHO INCITES A RIOT AND TO ANY SUBVERSIVE ORGANIZATION

"SEC. 618. (a) None of the funds appropriated pursuant to this Act shall be used to provide payments, assistance, or services, in any form, with respect to any individual who—

"(1) incites, promotes, encourages, or carries on a riot;"

Mr. MANSFIELD. Mr. President, I should like to have the rest of the amendment read.

Mr. JAVITS. Mr. President, I ask unanimous consent that the clerk may read the amendment as it now is at the desk.

Mr. MANSFIELD. In toto.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment as modified, as follows:

On page 49, between lines 14 and 15, insert the following new section:

"PROHIBITION AGAINST ASSISTANCE TO ANY INDIVIDUAL WHO INCITES A RIOT AND TO ANY SUBVERSIVE ORGANIZATION

"SEC. 24. Title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

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"SEC. 618. (a) None of the funds appropriated pursuant to this Act shall be used to provide payments, assistance, or services, in any form, with respect to any individual who—

"(1) incites, promotes, encourages, or carries on a riot; or

"(2) assists, encourages, or instructs any other individual to commit or perform any act specified in paragraph (1).

"(b) or is a member of any organization designated as a subversive organization by the Attorney General of the United States."

On page 49, line 16, strike out "Sec. 24" and substitute "Sec. 25".

On page 50, line 7, strike out "Sec. 25" and substitute "Sec. 26".

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Oregon.

Mr. MORSE. Mr. President, I have listened with great interest to this discussion before making up my mind. The laws of this country with regard to riots should be enforced by our prosecuting officers—Federal, State, and local—and by our courts, and not by the

Director of the poverty program. I do not think that we should adopt an amendment placing in the Director of the poverty program enforcement policies that are mandatory.

Now that my friend the Senator from Rhode Island is not going to move to lay it on the table, I shall. But I shall withhold doing so, if the Senator from New York wishes to say something more.

I do not think that we should turn this legislation into something akin to a bill of attainder, and I shall move to lay it on the table.

Mr. JAVITS. Mr. President, I yield myself 2 minutes under the bill.

Mr. President, I think we have seen what a can of worms we have in attempting to write a complicated statute on the floor of the Senate, a bill of attainder bearing on 4 million people, when we know the matter will be coming up in conference.

Mr. President, I do not think that this is any tribute or credit to the Senate. We have eliminated that part which related to local law, and now we are going to have the administrator of the poverty program issue a set of guidelines defining a riot; and we are going to have him attempt to administer part (b), which, as Senator SALTONSTALL pointed out so eloquently, is impossible administratively.

Beyond that, there would be locked into conference, if this amendment is passed, the mandatory phase, the word "shall." The administrator would be bound by it. He would have to do it. He would have to screen 4 million people who are poverty beneficiaries.

Such action does not befit the Senate. All the hashing going on indicates how deeper and deeper is the pit into which we will fall if we do this. The matter will be in conference. We will do our utmost to work something out which is apposite to the situation, somewhat consistent with the guidelines of the poverty agency.

To do it here will be an act which we will regret, and it demeans the Senate of the United States to do something in which we would just be aping the other body. I do not think that we are all so scared of our jobs or so easy in our consciences that we should do this.

Mr. CLARK. I yield myself 1 minute on the bill, to note my objection and opposition to the amendment, and to state that I shall support the motion to table which the Senator from Oregon has made.

Whatever might have been done to fix up subsection 1, subsection 2 is also objectionable; and subparagraph (b), to my way of thinking, has no business in the bill.

I have been advised by the Director of the Office of Economic Opportunity that he is strongly opposed to this bill, which he believes is impossible to administer.

Mr. JAVITS. Mr. President, has all the time expired?

The PRESIDING OFFICER. All time has expired.

Mr. MORSE. Mr. President, I move that the amendment be laid on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll, on the motion to table made by the Senator from Oregon.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. NEUBERGER], the Senator from Florida [Mr. SMATHERS] and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. JORDAN], the Senator from Florida [Mr. SMATHERS] and the Senator from Alabama [Mr. SPARKMAN] would each vote "nay."

Mr. DIRKSEN. I announce that the Senators from Colorado [Mr. ALLOTT] and Mr. DOMINICK], the Senator from Kentucky [Mr. COOPER], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Texas [Mr. TOWER], and the Senator from New Jersey [Mr. CASE] are necessarily absent.

The Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senator from Colorado [Mr. DOMINICK], the Senator from Nebraska [Mr. HRUSKA], the Senator from Hawaii [Mr. FONG], and the Senator from Texas [Mr. TOWER] would each vote "nay."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Colorado would vote "nay" and the Senator from New Jersey would vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Pennsylvania would vote "yea."

The result was announced—yeas 32, nays 39, as follows:

[Leg. No. 278]
YEAS—32

Alken	Jackson	McGee
Brewster	Javits	McGovern
Burdick	Kennedy, Mass.	Mondale
Clark	Kennedy, N.Y.	Monroney
Fulbright	Long, Mo.	Morse
Gore	Mansfield	Morton
Griffin	McCarthy	Moss

Muskie	Proxmire	Tydings
Nelson	Ribicoff	Williams, N.J.
Pastore	Saltonstall	Young, Ohio
Pell	Smith	

NAYS—39

Bartlett	Ervin	Mundt
Bayh	Fannin	Murphy
Bennett	Harris	Pearson
Bible	Hartke	Prouty
Boggs	Hickenlooper	Randolph
Byrd, Va.	Hill	Russell, S.C.
Byrd, W. Va.	Holland	Russell, Ga.
Cannon	Jordan, Idaho	Simpson
Carlson	Lausche	Stennis
Cotton	Long, La.	Talmadge
Dirksen	McClellan	Thurmond
Dodd	Miller	Williams, Del.
Ellender	Montoya	Young, N. Dak.

NOT VOTING—29

Allott	Fong	Metcalfe
Anderson	Gruening	Neuberger
Bass	Hart	Robertson
Case	Hayden	Scott
Church	Hruska	Smathers
Cooper	Inouye	Sparkman
Curtis	Jordan, N.C.	Symington
Dominick	Kuchel	Tower
Douglas	Magnuson	Yarborough
Eastland	McIntyre	

So the motion of Mr. MORSE to lay on the table the amendment of Mr. BYRD of Virginia was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD].

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALFE], the Senator from Oregon [Mr. NEUBERGER], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. JORDAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] would each vote "yea."

Mr. DIRKSEN. I announce that the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Kentucky [Mr. COOPER], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA] and the Senator from Texas [Mr. TOWER] and the Senator from New Jersey [Mr. CASE] are necessarily absent.

The Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL] and the Senator from Penn-

sylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senator from Colorado [Mr. DOMINICK], the Senator from Nebraska [Mr. HRUSKA], the Senator from Hawaii [Mr. FONG] and the Senator from Texas [Mr. TOWER] would each vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 39, nays 32, as follows:

[Leg. No. 279]

YEAS—39

Bartlett	Ervin	Mundt
Bayh	Fannin	Murphy
Bennett	Harris	Pearson
Bible	Hartke	Randolph
Boggs	Hickenlooper	Ribicoff
Brewster	Hill	Russell, S.C.
Byrd, Va.	Holland	Russell, Ga.
Byrd, W. Va.	Jordan, Idaho	Simpson
Cannon	Lausche	Stennis
Carlson	Long, La.	Talmadge
Cotton	McClellan	Thurmond
Dodd	Miller	Williams, Del.
Ellender	Montoya	Young, N. Dak.

NAYS—32

Aiken	Long, Mo.	Nelson
Burdick	Mansfield	Pastore
Clark	McCarthy	Pell
Dirksen	McGee	Prouty
Fulbright	McGovern	Proxmire
Gore	Mondale	Saltonstall
Griffin	Monroney	Smith
Jackson	Morse	Tydings
Javits	Morton	Williams, N.J.
Kennedy, Mass.	Moss	Young, Ohio
Kennedy, N.Y.	Muskie	

NOT VOTING—29

Allott	Fong	Metcalfe
Anderson	Gruening	Neuberger
Bass	Hart	Robertson
Case	Hayden	Scott
Church	Hruska	Smathers
Cooper	Inouye	Sparkman
Curtis	Jordan, N.C.	Symington
Dominick	Kuchel	Tower
Douglas	Magnuson	Yarborough
Eastland	McIntyre	

So the amendment of Mr. BYRD of Virginia was agreed to.

Mr. BYRD of Virginia. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT

Mr. DIRKSEN. Mr. President, I should like to query the majority leader about the program for tomorrow and, in fact, the program for the remainder of the week, and whether he proposes a Saturday session.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, it is the intention of the leadership to lay down the foreign assistance appro-

priation bill at the conclusion of business this afternoon.

Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is also hoped tomorrow to bring up the foreign annuities bill on which there will be some debate, to be followed by the Foreign Assistance Appropriation Act, to be followed by, I believe it is the public works appropriation bill, to be followed by the secondary education bill.

On Thursday, we hope to discuss, in part, the narcotics bill, and if the Senate will show its present interest and attendance it is hoped that we will be able to have a good show on Saturday so that we may be able to pass some legislation and hasten the day of adjournment one way or the other.

Mr. DIRKSEN. Then, that means that there will be a Saturday session?

Mr. MANSFIELD. If there are assurances that there will be a quorum of Senators on hand, there will be a Saturday session. We will try to check the day before. If a quorum is not possible, there will not be a Saturday session.

Mr. DIRKSEN. If, on the other other hand, Senators are well behaved and show some progress prior to Saturday, then there is always the outside chance that there will not be a Saturday session?

Mr. MANSFIELD. The Senator from Illinois always has me at a disadvantage.

Mr. MUNDT. Mr. President, will the Senator from Illinois yield?

Mr. MANSFIELD. I yield.

Mr. MUNDT. From the standpoint of those of us who live in the heartland of America—

Mr. DIRKSEN. Heartland?

Mr. MUNDT. Right, this business of deciding late on Thursday whether there will be any session on Friday or Saturday is sometimes very awkward for us from the standpoint of our transportation problems. I believe if we can have a session on Saturday it would be a move toward adjournment. If the majority leader would tell us now, that there will be one, then we do not have to get into conflicts with our appointments which would necessitate canceling transportation arrangements, and so forth.

Mr. MANSFIELD. There is going to be one.

Mr. MUNDT. There is?

Mr. MANSFIELD. There is going to be one if enough Senators are on hand. But the leadership does not know how many Senators will be here until the day before. But the foreign aid appropriation bill, the narcotics bill, the secondary education bill, the public works appropriation, and other matters will keep us busy. I have sympathy for Senators who are campaigning, as we recognize that they are operating under exceptional circumstances. I have no sympathy for a Senator who is not campaigning because he at least should be here to protect his colleagues who are away.

Mr. MUNDT. I quite agree with the action of the majority leader, and I applaud it. If we are going to adjourn at all, we should start having Saturday sessions, and perhaps running later into the evenings, so that we can adjourn as soon as possible. It seems to me we are not even trying to get the Senate's business accomplished very rapidly, so I hope we will hold to the Senate's schedule.

Mr. MANSFIELD. The Senator is most fair. That is what the leadership intends to do.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. Why cannot we come in at 10 o'clock tomorrow?

Mr. MANSFIELD. There are objections to that.

Mr. MORSE. Why cannot we let the committees meet tomorrow?

Mr. MANSFIELD. I have tried that for several weeks but there are objections to that. That is the way it is. We have to operate on that basis, and I am sorry.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (S. 3164) to provide for continued progress in the Nation's war on poverty.

Mr. MANSFIELD. I wish the Senator from Pennsylvania [Mr. CLARK] would offer his proposal.

Mr. CLARK. Why do we not change the rules?

Mr. MANSFIELD. Mr. President, will the Chair please recognize the Senator from Pennsylvania?

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I ask unanimous consent to correct a mathematical error inadvertently made by the staff. The figure of \$568 million was contained in the last amendment which I presented and which was adopted. It should be changed to \$588 million. This was merely a mistake in addition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, the senior Senator from Texas [Mr. YARBOROUGH] is absent on official business as a U.S. representative at the Interparliamentary Union Conference in Teheran, Iran. Senator YARBOROUGH has taken an active interest in this legislation and our committee adopted a number of his amendments. I ask unanimous consent that Senator YARBOROUGH's remarks, an article from the Wall Street Journal, and excerpts from the committee report be printed in the RECORD preceding the roll-call vote on the bill.

There being no objection, the statement and material was ordered to be printed in the RECORD, as follows:

THE WAR ON POVERTY: THE THIRD CAMPAIGN—STATEMENT BY SENATOR YARBOROUGH

More than 800 years ago the 12th century religious philosopher Maimonides compiled his famous "Eight Degrees of Charity." "The

eight, and the most meritorious of all," Maimonides wrote, "is to anticipate charity by preventing poverty; namely to assist the reduced fellowman, either by a loan of money, or by teaching him a trade, or by putting him in the way of business, so that he may earn an honest livelihood; and not be forced to the dreadful alternative of holding out his hand for charity. To this scripture alludes when it says: And if thy brother be waxen poor, and fallen in decay with thee, then thou shalt relieve him; yea, though he be a stranger or a sojourner. This is the highest step and the summit of charity's golden ladder."

Today, far away in time and space from the writing of these words, we are committing our whole society to the good works of the eighth degree of charity. No group of people has ever attempted this before. We are trying to do what would have been thought impossible even a few years ago.

But within the last few decades our nation has grown to unbelievable heights of prosperity. In the short space of 15 years we have more than doubled our Gross National Product. As President Johnson said recently when he signed into law the minimum wage bill, "Back in the thirties . . . while poverty was never really comfortable, it sure was common! Being poor was sort of like being one of the fellows. It wasn't at all that different . . . Today poverty is much sadder. We are a rich country with the highest standard of living of any men in history. Today, in this country, when you are poor, you are poor alone."

In addition to being shut away from the rest of society, today's poor must overcome another handicap. It used to be that a man could rise up out of poverty on the strength of a quick mind or a strong back and a willingness to work hard. But today another requirement has been added—education and training. A person must have a skill in order to be sure of work. The unskilled worker is the unwanted worker. He is the last to be hired and the first to be fired.

These are some of the conditions which make necessary a frontal attack on poverty. The war on poverty is a self-help program. It is designed to take people off the welfare rolls and onto the employment rolls. We are fighting the war on poverty because it is morally right, because it is an act of social justice, because it will help stabilize our society during a difficult period of adjustment to an exclusively highly-skilled economy, because it will make our economy more productive, and because it will pay for itself through the higher incomes of its beneficiaries.

As with any large scale undertaking, it has turned out to be less than perfect in practice. There have been abuses. There are problems. But, considering the amount of good which has been done, and considering the scale of the war on poverty, our successes far outweigh our failures.

This does not mean that we should turn our back on or try to sweep under the rug any of the problems which have arisen. Our committee has adopted many amendments by members from both parties which should improve the administration of the war on poverty. In the coming year the distinguished Chairman of the Subcommittee on Employment, Manpower, and Poverty [Mr. CLARK] plans to conduct a thorough investigation of the war on poverty. I am sure that, in his customary fair and thorough manner, the Senator from Pennsylvania will ferret out all the strengths and all the weaknesses of the war on poverty and will have useful suggestions to make to Congress next year.

The committee has adopted several amendments which I offered, and I would like briefly to explain each one.

RURAL AREAS

Community Action program began first in the cities. There are several reasons. The problems of the city are explosive. In many cities there already existed expert staffs on various city agencies or organizations, who knew how to organize. And the OEO staff itself is oriented toward cities.

On June 30, 1965, there were only 156 rural community action agencies covering 361 rural counties. Most of their programs were minimal, with grants totaling only \$9,500,000. Program development grants to rural areas were only 8 percent of the total spent for that purpose. There was evident unwillingness to develop rural programs by top administrative leaders in CAP.

The article from the April 20, 1965, Wall Street Journal, showing the situation a year ago, when the program had just about finished its first year is as follows:

"THE RURAL POOR: DEPRESSED FARM AREAS TRAIL CITIES IN WINNING POVERTY WAR BENEFITS—COMMUNITIES LAG IN FORMING GROUPS TO ASK FOR FUNDS; FREEMAN CALLS FOR ACTION—URBAN BIAS IN WASHINGTON?"

"(By Eric Wentworth)"

"WASHINGTON.—Despite President Johnson's vow to seek 'parity of opportunity' for rural America, the war on poverty is off to a painfully slow start in the hinterlands.

"About half the nation's families with cash income below \$3,000 live in rural areas, but Agriculture Secretary Freeman reckons that rural communities are getting only about 5% of the money doled out by the Administration's antipoverty generals for projects initiated by local groups to help their impoverished neighbors.

"Champions of the rural poor are upset in particular by the slow flow of funds from Sargent Shriver's Office of Economic Opportunity (OEO) to rural areas for 'community action programs,' a key element for the anti-poverty war in which local groups plan and mount coordinated attacks against ignorance, ill health and unemployment. So far, Secretary Freeman asserts, while nine-tenths of the nation's cities with 50,000 or more people are forming community action programs or have them actually at work, less than one-third of the more than 2,000 rural counties have taken such steps.

"There's concern, too about the pace of work-training grants from the neighborhood Youth Corps run by the Labor Department. Through last month only about 10% of the prospective enrollees in these projects were in rural areas.

"NOT SATISFIED"

"I certainly am not satisfied as to the assistance that the rural communities have received throughout the nation," says Democratic Congressman PERKINS from the impoverished hill country of eastern Kentucky, though he hopes for more aid within a few months. Mr. Shriver himself has conceded that it's 'harder to get to the rural poor' and that the rural poverty war is 'one of our greatest difficulties.'

"Mr. Freeman blames the situation largely on the problems of communicating with leaders scattered about the countryside and stirring them to organize antipoverty platoons that can qualify for Federal grants, which finance up to 90% of a project's cost. Many large cities were getting ready to apply for Federal aid even before President Johnson launched the multi-million-dollar offensive by signing the Economic Opportunity Act last August. But most rural areas got no such head start.

"In southwest Virginia, with its many low-income tobacco and dairy farmers and jobless coal miners, local interest in antipoverty help has run well above average. Practically all these counties clustered on the east flank of Appalachia have applied for community

action grants. But approval is coming slowly.

"The applications themselves provide their share of headaches and frustrations. Like other rural groups that lack the professional help usually available in cities, the southwest Virginians have found it takes time to draft plans that will pass muster with Mr. Shriver's aides.

"SLOW-MOVING AWARE"

"A delegation from one of the counties, Wise, was in town last week for the second time in a month to review its \$250,000 application with OEO officials. County leaders began to organize their community action last December, calling it AWARE (for Appalachian-Wise Association for Rehabilitation and Education). They had their application, including plans for home management counseling, preparing young children for school, tutoring older children and setting up a mobile public health unit, ready by mid-March. But there have been several changes since.

"Dean Graybeal, district manager for Old Dominion Power Co. at Big Stone Gap and one of the Wise County leaders, reports his group has invested a total of 2,000 hours in preparing its program so far. 'We have revised until we're run out of revisions,' said Mr. Graybeal after the second Washington visit. But he was still hopeful, and OEO officials continued to study his county's application.

"Though chances are good that Wise County and its half-dozen neighbors will all have Federal funds before too long, grants for only three totaling about \$158,000 have been announced so far. Only one of these, to the Progressive Community Club of Washington County, is providing direct aid to the poor at the moment. Another county's grant is simply for development of a program rather than for actual assistance. A third county, Dickenson, received tentative approval for a Neighborhood Youth Corps project. But according to county school Superintendent Paul Skeen, the project is being postponed, partly because of difficulties caused by a requirement that corps members receive a \$1.25 hourly minimum wage when they're working, a requirement that could be prohibitive in a low-wage area. (Youth Corps officials say exceptions can be made.)

"CITY SLICKERS" RESENTED

"The handicaps experienced by rural residents cause some to resent the apparent ease with which 'city slickers' can sell their proposals to OEO and they complain the Government so far has failed to give country dwellers more of a helping hand. 'Rural areas which must depend on non-professional volunteers seems to come out on the short end,' laments Lee Taylor, a newspaper editor in Kentucky's largely rural Breckinridge County, 'and, believe me, our poverty-ignorance problem is much more acute than any city I have ever seen.'

"There's no doubt that, at least when judged by average family income, certain rural areas are the very poorest places in the land. Among the counties at or near the bottom of the income scale, well below the widely used poverty gauge of \$3,000 a year, are Lowndes County in central Alabama, through which the recent Selma-to-Montgomery civil rights march passed, and Jefferson and Tunica counties in Mississippi; all three are distinctly rural in character. While big-city slums also harbor desperately poor people, the presence of better-heeled citizens nearby tends to lift average income in urban areas.

"While no one wants to quarrel publicly with Mr. Shriver's operation, there are rural boosters in and out of Government who feel the OEO staff isn't given applicants from

'hill and holler' precincts all the attention they deserve.

"Some say most OEO officials hail from urban or suburban areas (that's true of both Mr. Shriver and his deputy, Jack Conway) and simply don't understand the problems and attitudes of their country cousins. Others contend Mr. Shriver's office has concentrated on funding urban projects so far because they promised 'more bang for a buck' and quicker results to show Congress.

"Still others even suspect outright bias against rural areas. 'I don't think they're interested at all in rural poverty,' one guardian of country causes declares; 'that's a personal opinion and it may be unfair, but I think it's more often true than false.'

"Spokesmen for Mr. Shriver's shop firmly deny they're simply a collection of urban advocates looking out for their own kind. They say applications from rural groups often take longer to process because of omissions, errors or inadequately conceived plans, but insist they don't apply any harsher standards than in reviewing urban proposals. Nor, they claim, do they apply any single yardstick to rural and urban projects in judging overhead costs—a policy that could hurt the rural proposals for which such expenses, in proportion to the number of people helped, are frequently higher.

"REALLY IMPRESSIVE PROGRAMS"

"OEO officials say they have granted funds for some 'really impressive rural community action programs' so far. Among the beneficiaries are Yell County, Ark., Craven County, N.C., and Ripley County, Mo. The projects include day-care centers for preschoolers, home management counseling, public health nursing and (in Craven County) a strawberry marketing cooperative for low-income families.

"In addition, money is starting to flow out to rural areas under another provision of the Economic Opportunity Act by which the Agriculture Department's Farmers Home Administration provides easy-term loans up to \$2,500 and technical advice for low-income farmers and other rural residents who need help making ends meet. Through the end of March, the FHA had approved 3,250 loans to individual families plus several larger loans to cooperatives for a total of about \$6 million.

"The poverty-fighters promise that a number of other rural grants will be announced in the near future. Thus, they assert, the gap between rural and urban spending will be reduced.

"Secretary Freeman is far from optimistic, though; 'I am afraid,' he remarks, 'that the going, for a long time, will be mighty slow.'

"As one step to help country communities fight poverty, Messrs. Shriver and Freeman announced in late February the creation of a 'rural task force' to operate out of the OED. The tasks of this force aren't entirely clear as yet, though they'll include helping communities put together antipoverty programs, helping other agencies aid needy communities and ironing out the wrinkles in rural communities' applications as they arrive in Washington.

"Until early April, however, the task force consisted of only four people including a secretary. Then nine Agriculture Department officials reported for temporary duty as a 'special processing unit' to handle rural applications.

"FIELD AGENTS DELAYED"

"To spread the word about antipoverty money and other Federal aid possibilities and to help rural groups qualify for them, Mr. Freeman is deploying field agents such as Harold Marx, a 38-year-old former journalist. 'We're covering a heck of a lot of ground,' says Mr. Marx, who meets with about 10 groups a month in Virginia and Kentucky.

He's one of 13 agents in the Agriculture Department's newly christened Rural Community Development Service.

"One of his first recruiting jobs in the poverty war was to explain to a group of country folk at Hayter's Gap in southwestern Virginia that if they expanded some tentative local improvement schemes into a countywide community action program, they would be able to apply for Federal funds. This group of small farmers, headed by Fount Henderson, a storekeeper, and Garland Thayer, a minister, did so and received Virginia's first community action grant, a sum of \$67,851 to finance home counseling, pre-school training and further program planning.

"If Congress provides the money, Mr. Freeman hopes to expand the Rural Community Development Service by providing 20 field offices. This agency would help rural areas take advantage not only of the antipoverty program but of other Federal assistance from public works to small business loans. President Johnson has called on all Government agencies offering such aid to see that it's 'distributed equitably' between rural and urban areas. In most cases, though, it's too early to start judging results."

Fiscal year 1966 saw much improvement. This was due to rural communities realizing the value of the programs and to adequate time being available for progressive program development. But also it was due to the pressure and protest of farm-oriented organizations such as the National Farmers Union, which has done a wonderful job.

Rural CAPS received a total of \$161 million in grants during fiscal year 1966 including \$20 million for Indian programs and \$12 million was granted for 501 rural program and development grants, or 15.5% of the total allotted for that purpose.

Of the programs for rural areas money was allotted as follows:

First. Head Start \$42.5 million.

Second. Neighborhood Youth Corps \$79.7 or 30.4 percent.

Third. Title V Work Experience \$78 million or 34.4 percent of obligated funds to rural areas.

Fourth. Nelson Amendment—Rural areas received \$7,336,556 or 54 percent of Nelson Amendment Funds.

While these are impressive gains they still fail to give fair representation to rural areas, where half of the nation's poor people live. Sixteen million Americans in poverty live in rural areas, almost half of the total of the poor.

Most models for programs have been developed for use in the cities and must then be adapted or be used ineffectively in rural areas.

I suggest the following as just some of the ways in which we can bring about improvements in rural areas:

First. A larger CAP Staff is needed at the national and regional levels to provide assistance to rural areas.

Second. Rural CAP's could use models and assistance in getting through the technical red tape on preparing proposals. They would greatly appreciate simplified forms and procedures.

Third. The weakest part of Rural CAP programs is lack of job opportunity. Therefore, the Nelson amendment program was eagerly sought after by rural CAP's, and many times more money could have been spent wisely in rural areas had it been available.

Fourth. As of July 31, 1966, there were 1,476 counties covered by CAP's, or about one-half of the rural counties. Most of all the cities have CAP's. It is important to develop ways for areas without organized CAP's to participate in CAP funding through single-purpose agencies or their equivalent. During the past year, CAP policy at the national level has

been to fund only a very minimum amount outside of established Community Action Agencies. For example, on Operation Medicare Alert, funding was provided in 467 Community Action Agencies, but there was none in rural areas without CAP's.

I think it is important to get everybody together in a community action agency so that there can be a community-wide attack on poverty. The idea of a community action agency is a good one. From what I have seen and heard, most of them are doing good jobs.

However, in many places it may be difficult to organize one. This is especially true in rural areas. It is not fair nor it is wise policy to penalize rural areas the way OEO has done by refusing to make grants in areas where there is no CAP.

The Senate Committee on Labor and Public Welfare shares my view, and accordingly the committee adopted my amendment to direct OEO to make grants to independently funded public and private nonprofit agencies and organizations in predominantly rural areas where it is not feasible within a reasonable period of time to establish community action agencies. The text of section 211, "Preference for Components of Approved Programs," reads as follows after the adoption of my amendment:

"Sec. 211. (a) In determining whether to extend assistance under this Act, the Director shall, to the extent feasible, give preference to programs and projects which are components of a community action program approved pursuant to this part. The Director shall carry out this part of the Act in a manner designed to enhance community-wide cooperation and action and to encourage the establishment of local community action agencies in carrying out projects in the community pursuant to this part.

"(b) If the Director determines that an independently funded program may help ease conflict or provide more operating efficiency, or is more economical, he is authorized to make grants to, or to contract with, independently funded public and private nonprofit agencies and organizations, in addition to the community action agency. For purposes of this section, an independently funded agency is one which operates programs of a limited scope, and which does not have broad comprehensive community representation on its policymaking board.

"(c) The Director shall make grants to, or contract with, independently funded public and private nonprofit agencies and organizations in predominantly rural areas in accordance with sections 210 and 617 where the Director determines it is not feasible within a reasonable period of time to establish community action agencies.

"(d) If projects are of a regional nature and can be more efficiently operated on this basis, the Director may make grants to, or contract with, independently funded, public and private, nonprofit agencies and organizations for the conduct and administration of such projects."

The excerpt from the committee report, on rural poverty, is as follows:

"After careful consideration of the nature and scope of program activity in rural areas, the committee has determined that the congressional intent respecting rural poverty has not been adequately implemented. The committee's information indicates that in fiscal year 1966 the Nation's rural poor, though comprising 43 percent of the total poverty population, received only 15.5 percent of all community action funds. This allocation is grossly disproportionate to the magnitude of rural poverty, and falls far short of an equitable distribution of CAP funds. In the judgment of the committee, prompt, practical attention and positive programs are required, beginning this fiscal year,

with the objective of bringing about the earliest possible alleviation of this situation. In this connection the committee expressly calls attention to a previously enacted statutory directive on this subject. Section 617 of the Economic Opportunity Act of 1964, as amended, 89th Congress, 1st session, reads as follows:

"The Director shall adopt appropriate administrative measures to assure benefits of this action will be distributed equitably between residents of rural and urban areas."

"Taking further cognizance of the need to apply more resources to the problem of rural poverty, the committee unanimously approved, as part of a revised section 211 of the act, an amendment requiring the Director to make grants to, or contract with independently funded public and private nonprofit organizations in predominantly rural areas where it is not feasible within a reasonable period of time to establish community action agencies.

"This amendment is designed to assure that careful attention is paid to the desirability and necessity of funding programs sponsored by independently funded agencies in rural areas where community action programs are not in effect.

"In developing policies and programs giving increased attention and emphasis to rural poverty, the Director is urged to initiate a varied and imaginative approach. For example, encouragement might be given to existing community action agencies, where feasible, to expand their geographical boundaries to include poverty-stricken rural areas. In addition, there could be an active program to provide technical assistance to rural areas where community action agencies do not exist. This program should include sufficient personnel to stay on the job with the residents of the area until a viable community action agency is formed. The Director is encouraged to provide such technical assistance under contract to outside private corporations if he determines that this is the most feasible approach.

"A further amendment to section 211 would provide for the independent funding of a public or nonprofit agency where the Director determines that an independently funded program may help ease conflict or provide more operating efficiency or be more economical. Such funding would be authorized only where the agency involved operates programs of a limited scope and does not have broad comprehensive community representation on its policymaking board.

"The committee also has given the Director authority to contract with independent public or private nonprofit agencies for the conduct of projects which are of a regional nature where such projects can be operated more efficiently as regional projects."

GENERAL BACKGROUND OF RURAL NEED

The fact is that most governmental and social agencies serve cities and not rural areas. For example, since World War II, the Federal Government has helped build 37 new houses in cities and suburbs for every one built in rural areas, even though the proportion of unsafe, unsanitary housing in rural areas is double that of urban areas. Again, only 18 percent of the trainees under the manpower development and training program were from rural areas last year, even though rural underemployment and unemployment is triple the figure in urban areas.

Poverty tends to be most prevalent in the case of: (a) non-white families; (b) families headed by a female; (c) families 65 years of age or over; (d) rural farm families.

The problem is especially acute for older rural families. Special models need to be developed to meet the particular needs of this

segment of the population. There are special problems of lack of medical care, lack of transportation and lack of ordinary community services.

A great problem is the migration of rural people to urban areas. These people, in many instances, prefer the rural way of life and would remain in their communities if employment and adequate incomes were available. Every effort should be made to provide training and employment in the nonurban setting for the sake of our cities as well as a means to help our rural citizens.

REPRESENTATION OF THE POOR

Another major problem area in OEO has been in getting adequate representation of the poor on CAP boards. No one likes a handout. Any individual likes to feel as though he has some control over his own destiny. It is awfully degrading to a person to have to come hat in hand and beg for a few crumbs and a few rags and a leaky roof to put over the heads of his wife and children.

The war on poverty, if it is to succeed, must replace the defeatist attitude of many of today's low income people with a more positive attitude. One of the best ways to do this is to give those whom this program is assisting, a hand in running it. We must let them have a hand in determining their own destinies rather than coming in high and mighty and telling them what to do. We are making a tragic mistake if we treat our low-income citizens like second-class citizens. They must be given help and guidance, but they must not be led around by the nose and treated as though they cannot be trusted. That course will arouse only resentment.

If our goal is truly to help them become self-sufficient, then we must start out by trusting them and giving them some responsibility. The place to begin is to give them a meaningful hand in running their own programs.

We can expect them to be inexperienced in many things. But in one thing they have expertise over all the rest of the community—they know what it is like to be poor. They can tell the rest of us whether a given program is likely to work or not. They can tell us some of the things the poor need to learn if they are to become self-sufficient.

We have heard a lot of complaints about inadequate representation of the poor on CAP boards. In order to give the poor a way to voice their frustration in a constructive way, the Committee has accepted my amendment directing OEO to require community action agencies to establish procedures under which representative groups of the poor which feel themselves inadequately represented on their community action agency policy board, may petition for adequate representation on the board.

In closing let me say that it has been a pleasure to work with my fellow members of the Labor Committee on this legislation. I feel that all the members of the committee, from both parties, have worked long and hard on this bill and have brought to the drafting of the legislation considerable expertise from many areas of life. I especially congratulate the distinguished Senator from Pennsylvania [Mr. CLARK] for his outstanding contribution. I feel the work done in committee under his leadership has resulted in a greatly improved bill. The Senator from Pennsylvania has done a very good job on a very difficult bill.

THE PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15111, the House-passed bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 15111) to provide for continued progress in the Nation's war on poverty.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to strike all after the enacting clause, and that there be substituted in lieu thereof the text of Senate bill 3614, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill (H.R. 15111) having been read the third time, the question is, Shall the bill pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Alabama [Mr. SPARKMAN]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUE], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Florida [Mr.

SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUE], and the Senator from Oregon [Mrs. NEUBERGER] would each vote "yea."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Mississippi would vote "nay" and the Senator from Alaska would vote "yea."

On this vote, the Senator from North Carolina [Mr. JORDAN] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from North Carolina would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Virginia would vote "nay" and the Senator from Texas would vote "yea."

Mr. DIRKSEN. I announce that the Senators from Colorado [Mr. ALLOTT] and Mr. DOMINICK], the Senator from Kentucky [Mr. COOPER], the Senators from Nebraska [Mr. CURTIS] and Mr. HRUSKA], and the Senator from Texas [Mr. TOWER], and the Senator from New Jersey [Mr. CASE] are necessarily absent.

The Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Hawaii [Mr. FONG] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from California would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 49, nays 20, as follows:

[No. 280 Leg.]

YEAS—49

Alken
Bartlett
Bayh

Bible
Boggs
Brewster

Burdick
Byrd, W. Va.
Cannon

Carlson
Clark
Dirksen
Dodd
Fulbright
Gore
Griffin
Harris
Hartke
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Lausche

Long, Mo.
McCarthy
McGee
McGovern
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson

Pastore
Fell
Prouty
Proxmire
Randolph
Ribicoff
Russell, S.C.
Saltonstall
Smith
Tydings
Williams, N.J.
Young, Ohio

NAYS—20

Bennett
Byrd, Va.
Cotton
Ellender
Ervin
Fannin
Hickenlooper

Hill
Holland
Jordan, Idaho
Long, La.
McClellan
Miller
Pearson

Russell, Ga.
Simpson
Stennis
Thurmond
Young, N. Dak.

NOT VOTING—31

Allott
Anderson
Bass
Case
Church
Cooper
Curtis
Dominick
Douglas
Eastland
Fong

Gruening
Hart
Hayden
Hruska
Inouye
Jordan, N.C.
Kuchel
Magnuson
Mansfield
McIntyre
Metcalfe

Neuberger
Robertson
Scott
Smathers
Sparkman
Symington
Talmadge
Tower
Yarborough

So the bill (H.R. 15111) was passed.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MCCARTHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1633, S. 3164, the companion measure to the bill the Senate just passed, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the distinguished Senior Senator from Pennsylvania [Mr. CLARK] has again demonstrated his outstanding leadership capacities by successfully managing the poverty authorization measure through the Senate these past 2 days.

With this measure we are able to carry forward the important programs involved in the war on poverty. And most of the credit goes to Senator CLARK, the able chairman of the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare.

Of course, the distinguished senior Senator from New York [Mr. JAVITS] must share the credit. His highly articulate support contributed immensely to the Senate's acceptance of the bill—as did the support of the junior Senator from New York [Mr. KENNEDY], the junior Senator from Wisconsin [Mr. NELSON], and the junior Senator from Massachusetts [Mr. KENNEDY]. Indeed, our commendation goes to all of the committee members who backed this measure with their strong and persuasive arguments.

Particularly notable for cooperating to assure the successful disposition of this measure were the typically constructive efforts of both the highly able minority leader [Mr. DIRKSEN] and the junior Senator from Vermont [Mr. PROUTY].

Others too played vital roles in obtaining successful action today. I refer to the

always strong and articulate efforts of the senior Senator from Oregon [Mr. MORSE], who was joined by the senior Senator from West Virginia [Mr. RANDOLPH] and others to assure decisive Senate approval of this measure.

Most of all I wish to extend the gratitude of the leadership to this entire body for cooperating in such magnificent fashion to dispose of this measure orderly and with recognition for the views of every Member.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2266. An act to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963;

H.R. 3348. An act to authorize a program for the construction of facilities for the teaching of veterinary medicine and a program of loans for students of veterinary medicine;

H.R. 4497. An act to amend the act of August 24, 1935, to require certain contractors with the United States to give an affidavit with respect to payment of subcontractors;

H.R. 6103. An act for the relief of the city of Umatilla, Oreg.;

H.R. 11475. An act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States;

H.R. 12360. An act to permit the sale of grain storage facilities to public and private nonprofit agencies and organizations;

H.R. 12536. An act to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services;

H.R. 15335. An act to amend the act entitled "an act to establish an Advisory Commission on Intergovernmental Relations," approved September 24, 1959;

H.R. 15699. An act relating to national observances and holidays, and for other purposes;

H.R. 16306. An act to amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes; and

H.R. 16474. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred as indicated:

H.R. 2266. An act to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963;

H.R. 4497. An act to amend the act of August 24, 1935, to require certain contractors with the United States to give an affidavit with respect to payment of subcontractors;

H.R. 6103. An act for the relief of the city of Umatilla, Oreg.; and

H.R. 15699. An act relating to national observances and holidays, and for other purposes; to the Committee on the Judiciary.

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H.R. 3348. An act to authorize a program for the construction of facilities for the teaching of veterinary medicine and a program of loans for students of veterinary medicine; and

H.R. 16474. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 11475. An act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States; to the Committee on Commerce.

H.R. 12360. An act to permit the sale of grain storage facilities to public and private nonprofit agencies and organizations; to the Committee on Agriculture and Forestry.

H.R. 12536. An act to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services; and

H.R. 16306. An act to amend the Central Intelligence Agency Act of 1949, as amended, and for other purposes; to the Committee on Armed Services.

H.R. 15335. An act to amend the act entitled "an act to establish an Advisory Commission on Intergovernmental Relations," approved September 24, 1959; to the Committee on Government Operations.

AUTHORITY FOR THE POSTMASTER GENERAL TO ENTER INTO LEASES OF REAL PROPERTY FOR PERIODS NOT EXCEEDING 30 YEARS—RECOMMITTAL TO COMMITTEE ON PUBLIC WORKS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1553, H.R. 14548, be recommitted to the Committee on Public Works.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14548) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, the bill will be recommitted to the Committee on Public Works.

FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATIONS, 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1631, H.R. 17788. I do this so that it may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 17788) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1967, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had

been reported from the Committee on Appropriations with amendments.

AMENDMENT OF DISTRICT OF COLUMBIA MINIMUM WAGE LAW—CONFERENCE REPORT

Mr. MORSE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8126) to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and overtime compensation protection, and improve means of enforcement. I ask unanimous consent for the present consideration of the report. I have cleared this with the leadership on both sides of the aisle.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MORSE. Mr. President, I intend to make only a brief explanation as to the agreement of the District of Columbia minimum wage conference.

This minimum wage and hours bill is a historic bill, not only with respect to providing protection for men for the first time, but also by providing for the first time a statutory minimum wage. Likewise, for the first time, this bill provides for statutory overtime compensation.

With the enactment of this bill, a historic milestone will have been accomplished in helping many thousands of District of Columbia men and women to improve their standard of living as a result of their own labors.

The breadth of coverage of workers afforded by this bill is particularly significant. Coverage is practically universal, with the exception of household workers and handymen. In my judgment, these people, too, are entitled to protection by law, and I have every hope that in the years ahead, it will be possible to obtain protection for this segment of our society as well.

Mr. President, current law provides protection and benefits to only 90,000 District of Columbia women and minors. The bill we are enacting extends improved benefits and coverage to 280,000 men, women, and minors. A total of 190,000 more people will receive minimum wage protection and other benefits than ever before in the Nation's Capital City.

The conferees agreed to provisions of the bill that will raise the minimum wage payable to almost all employees in the District of Columbia to \$1.60 an hour over the next 3 years.

This bill, in the opinion of the conferees, incorporates a significant weapon

There are many meritorious provisions and objectives in the House-passed bill. There are many excellent features in the Senate

version. When this bill is passed—and it clearly will pass—the differences between the two versions of the bill will have to be ironed out in conference. But, that is not to say that the Senate has no obligation to look closely at the hypotheses upon which the Senate version is founded. That is not to say that this bill is perfect in every respect. That is not to say that the destiny of this proposed legislation should be left entirely to the conferees.

So, Mr. President, I come to the Senate floor to engage in honest efforts to bring forth a meaningful and significant minimum wage bill. I come to the floor, as I have come a number of times before, as a supporter of minimum wage legislation.

HOW GOOD ARE OUR SCHOOLS?

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "How Good Are Our Schools?" written by Caryl Conner and Richard de Neufville, published in the October issue of American Education magazine.

This article carries implications which I think those who read it will agree with me are shocking. It is, however, an article which is the strongest possible argument for the elementary and secondary education legislation which will be shortly before this body. I commend to Senators this article for careful consideration in that context.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW GOOD ARE OUR SCHOOLS?

(By Caryl Conner and Richard de Neufville)

How good are our schools? How much do they teach our youngsters? Are schools in Maine as good as schools in California? Better? How do we tell?

Questions like these have become a pastime that threatens to supplant baseball as a national sport, says Helen Rowan, editor of the Carnegie Quarterly. The name of the game: How Good Are Our Schools? (Some players, notes Miss Rowan, prefer to call it How Bad Are Our Schools?) The rules are few: each player propounds his favorite opinion on education. He may say, "Kids learned to read better 50 years ago than they do today," or, "Northern schools are good and southern schools are lousy."

The beauty of it, continues Miss Rowan, is that anybody can win, since there is no way of proving or disproving the above or any similar assertion.

Miss Rowan's fancy is unfortunately close to truth. In the absence of meaningful information, public opinion about schools has rested largely on subjective judgment and popular impression.

While citizens debate, however, a number of Government agencies have been quietly stockpiling data that may bring the new game down for the county and leave baseball once again unchallenged.

By far the largest stockpiler of information is the Army's Office of the Surgeon General, which can tell us the following about some hypothetical young men:

Joe Dangerfield and John Dangerfield are among approximately 2 million young men taking the Armed Forces Qualification Test (AFQT) and related examinations this year.

Both are 18 and white. Yet, statistically Joe is eight times as likely to fail the tests as John. Why? John went to school in Washington. Joe went to school in Tennessee.

David Coldstream and Dick Coldstream are taking the same tests. Both are 18 and Negro. David is three times as likely to fail the tests as Dick. David went to school in South Carolina; Dick in Rhode Island.

Bill Hardwood and Bob Hardwood will take the same tests. Both are 18. Bill is white and Bob is Negro. Both went to school in Florida. Bob is four times as likely to fail this test as Bill.

What are the Armed Forces mental tests, and what do they have to do with schools?

The basic test in the Armed Forces is the AFQT. All draftees and enlistees are required to take it before entering any branch of the military services. It is a standard examination administered on a uniform basis throughout the country.

In the last 10 years, over 10 million young men aged 18 to 26 have taken the AFQT. This is the largest group of standardized test scores that has ever been available for State and regional comparison.

For these reasons, these mental test results are the closest thing there is to a national index of educational strengths and weaknesses. Though the narrowness of range and the imprecision of scoring limit the test's usefulness for educators (it doesn't, for example, break down categories of information; it doesn't say that 40 percent of falling 18-year-olds from Ohio were strong in math but weak in vocabulary), for the general public the AFQT and the related tests are the best available indicator of State-by-State school performance.

The absence of basic educational information is one of the odd phenomena of contemporary America. As a Nation, we have developed highly sophisticated techniques to measure such disparate things as the purity of our water, the health of our economy, and the popularity of our public figures, but there has never been a measure of the basic academic skills of our children. We know the gross national product; we do not know the gross educational product.

When the Office of Education was established a century ago, Congress directed it to collect "such statistics and facts as shall show the condition and progress" of American education. Today the Office can accurately report the number of classrooms, teachers, pupils, books, globes, and language laboratories per pupil in every school in this country. But it doesn't know what students learn in these schools, or whether they learn it better or worse than students of 50 years ago. We know infinitely more about steel production in Pittsburgh, garment prices in Dallas, and the status of beef raising in Iowa than we do about the level of English or math proficiency anywhere in the Union.

Why? Two reasons predominate.

Any evaluation, points out Assistant Commissioner of Education Alexander Mood, is painful unless you are very sure of your score. The evaluator is more and more beset by doubts that he is being fair as the score decreases. Those being evaluated know darn well he is not being fair! There is always the awful knowledge that half of the evaluated will fall below the national median. And what educator wants bad marks on his report card, asks Mr. Mood.

Hardly anybody can win. The district that rates very high in the natural sciences may rate very low in the humanities—or vice versa.

Secondly, testing itself is a surprisingly thorny issue. Standardized tests are classified according to what they are intended to measure: intelligence, aptitude, scholastic achievement, or personal characteristics. They have been used and abused ever since Binet published the first intelligence test in 1905. Educators endlessly dispute the relative merits of one kind of test over another:

Are IQ (increasingly called "aptitude") tests better than achievement tests? Better for what? Do IQ tests really measure intelligence? Do achievement tests really measure achievement?

Actually, these two kinds of tests are less different than is commonly supposed. Any test reflects the quality and quantity of experience a student has been exposed to. Abilities are presumed to be common to children regardless of their schooling. Achievement is assumed to reflect the amount learned in school. In both, however, test scores are the product not only of the individual's inherited potential, but of his environment and the opportunities within his own experience. Pounds of published documents relate the difficulty of developing a culture-free test. There are no culture-free tests.

Nor is there any single kind of intelligence. Explained David Wechsler in the New York Times: An educator may define intelligence as the ability to learn, a biologist as the ability to adapt, a psychologist as the ability to reason abstractly, and the layman as plain common sense. The difficulty, Wechsler continued, is similar to what a physicist encounters when asked what he means by energy, or a biologist what he means by life. The fact is that energy and life are not tangible entities. You cannot touch them or see them. You know them only by their effects or properties, and the same is true of general intelligence.

Whatever their value, tests have become an integral part of our statistic-happy American way of life. Colleges use them to determine admissions; industry uses them to make personnel decisions; TV programs use them to build ratings; party givers use them to entertain guests. The Armed Forces use the AFQT in connection with personnel assignment as well as in acceptance of draftees and enlistees.

Seymour L. Wolfbein, the former director of the Office of Manpower, Automation, and Training in the Department of Labor, called the AFQT "an excellent device for identifying persons with special educational and training problems." A report by the President's Task Force on Manpower Conservation called the AFQT "a uniform national test" which "has the potential for providing the communities of the Nation with an important comparison and indicator . . . which would be difficult indeed to create if it did not already exist." Stafford L. Warren, former special assistant to the President for Mental Retardation, agreed on the great value of the AFQT as a means of identifying persons in need of special training.

The Army has used the experiences of half a century of testing in developing the AFQT, which, by law, is used to screen American youth for all branches of the Armed Forces. It follows a long line of other tests. In World War I, the Army Alpha (verbal) and Beta (nonverbal) tests were used. During World War II the Army used the AGCT (Army General Classification Test). The AFQT, designed and first used in 1950, has undergone frequent revision. The current versions cover, as have their predecessors since 1953, four subject areas: vocabulary, arithmetic, spatial relationships, and mechanical ability. There are 25 questions in each category. Questions are arranged in cycles of increasing difficulty in each of the four test areas. Fifty minutes are allowed. It is a "spiral omnibus" test emphasizing power rather than speed. The Army says it is not an intelligence test nor does it measure educational attainment as such, "although both education and intelligence affect the ability to score well on the test."

"In general," says a report from the Surgeon General of the Army, "there is a

positive correlation between AFQT scores and education. The youth's score on the AFQT depends on several factors: on the level of his educational attainment, on the quality of his education (quality of his school facilities), and on the knowledge he gained from his educational training otherwise, in and outside of school. These are interrelated factors, which vary with the youth's socioeconomic and cultural environment, in addition to his innate ability to learn."

SCORING

Raw scores on the AFQT are computed by subtracting one-third of an examinee's mistakes from his total correct answers—a procedure adopted to compensate for lucky guesses. To supply meaning to the scoring and to simplify comparisons, the raw score is converted into a percentile score that theoretically establishes the examinee's relative standing in the whole draft age population. (These relative standings are based on norms established a generation ago, during World War II. They have never been updated.) On the basis of this percentile score, men are classified into one of five mental groups:

Mental group:	Percentile score
I	93—100
II	65—92
III	31—64
IV	10—30
V	0—9

Groups I, II, and III automatically meet mental standards for military service. (Some of these men are disqualified for medical reasons. Data in this article relate only to acceptance or rejection on the basis of mental tests scores. Total rejection rates are higher than those that appear here.)

Under the Universal Military Training and Service Act, men in mental Group V are considered unfit for military service unless their educational or occupational background seems to indicate that they should not have failed the test. In such cases there is a "terminal screening" and if its findings are at variance with the test score, the examinee is declared "administratively acceptable" and classified 1-A. (Last year about 3,000 young men entered the Army this way.)

Procedures for Group IV vary according to the Army's manpower needs. Currently, all Group IV's who score above the 16th percentile and have completed high school are accepted for military service. All other men in Group IV take additional aptitude tests called the Army Qualification Battery (AQB). Failing scores on the AQB result in a "trainability limited" classification.

These men would qualify for military service only in time of war or national emergency.

(A new program just announced by Secretary of Defense Robert McNamara will take an additional group of men in mental Group IV (40,000 this year, 100,000 annually in subsequent years) and provide them with basic literacy training to enable them to qualify for military service. Precedent is the successful literacy training program conducted under Army auspices during World War II.)

Rejectee figures in this article include all Group V's except administratively acceptable, and all Group IV's who were given the AQB and failed. (Scores in mental Group IV are roughly equivalent to what an employer might expect of a job applicant with an eighth grade education; those in Group V to what he might expect of a man with less than a fifth grade education. The Census Bureau defines the latter as functionally illiterate.)

AFQT's and AQB's are administered at 74 Armed Forces Examining and Entrance Stations (AFES) throughout the United States. In a monthly report to the Surgeon

General of the Army, the AFES report the number of young men examined and their mental classification both by State and—in a departure from usual procedure—by race.

The AFES data are summarized annually in the report, Results of the Examination of Youths for Military Service, published by the Office of the Surgeon General, Army. Additionally, the annual report for 1965 included a comprehensive analysis of 383,000 18-year-olds examined under the Conservation of Manpower program initiated in June 1964 and terminated in December 1965. This is the largest and most homogeneous population studied so far.

By now the Surgeon General's Office has accumulated enough data to provide a detailed State-by-State outline of successes and failures that reveals sharply uneven performance both by State and by race. The study of 18-year-olds, for example, shows that:

Failure rates on the AFQT and related tests ranged from a low of 6 percent in the State of Washington to a high of 55 percent in the District of Columbia. (The national average was 25 percent.)

These rejection rates based on the mental tests are lowest in the Midwestern and Western States; highest in the South.

An unpublished supplement to the study, showing detail by race, reveals that:

Southern whites are behind whites in all other regions of the country; southern Negroes are behind Negroes in all other regions of the country.

In every State, test performance is significantly higher for whites than for Negroes. Nationally, only 19 percent of the whites fail the mental tests, compared to a failure rate of 68 percent for Negroes.

In addition, a special Department of Labor study of the academic background of 2,500 rejectees shows that:

Negroes who fail the AFQT average one more year of school than whites; characteristically they have had some high school experience while most white failures have not.

An examination of accumulated data on rejectees in the period from 1958 through 1965 supports findings from the study of 18-year-olds. Men from the Western and Midwestern States consistently performed best on the mental tests; men from the South consistently scored lowest. Throughout the eight-year period, moreover, the rank order of the States changed only slightly and the spread of percentage points between the States with the lowest failure rate averages (Wash., Iowa, Mont., Utah, Minn., Oreg.) and those with the highest averages (Miss., S.C., La., N.C., Ala., Ga.) has remained about the same. (See tables.)

The eight-year cumulative results for draftees differ only in minor detail from the results of the study of 18-year-olds. (See tables.)

Over a long period of time, the draftee rejection rates more accurately reflect regional differences in performance by young men. But, by excluding enlistees, these figures, exaggerate the inadequacy of national performance on the AFQT. Enlistees, prescreened by local recruiters before taking the test, seldom fail the AFQT. Since a majority of all men who enter the Armed Forces enter as enlistees, the overall rejection rate (enlistees plus draftees) is substantially less than for draftees alone.

Failure rates clearly and consistently relate to geographical areas. Year after year, men from the West and the Midwest perform better than those from other parts of the country. In the special study of 18-year-olds, their failure rate was only half the national average, while men from the South were failing at twice the national rate.

The same regional differences appear in a study of draftee failures by race:

Draftee failure rate (by percent) fiscal year 1966

Army area	All	White	Negro
III (South): Ala., Fla., Ga., Miss., N.C., S.C., Tenn.	31	18	68
IV (south central): Ark., La., N. Mex., Okla., Texas	20	12	57
I, II (Northeast): Conn., Maine, Mass., N.H., N.J., N.Y., R.I., Vt., Del., D.C., Ky., Md., Ohio, Pa., Va., W. Va.	15	12	45
V, VI (Midwest and West): Colo., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., N. Dak., S. Dak., Wis., Wyo., Ariz., Calif., Idaho, Mont., Nev., Oreg., Utah, Wash.	10	8	37

Source: Results of preinduction examination summary Office of the Surgeon General Department of the Army.

Throughout the United States the failure rate of whites on these examinations averages one-fourth that of Negroes. The exception is West Virginia where whites and Negroes fall in equal—and substantial—numbers. In every other State the Negro failure rate is at least twice that of the white failure rate.

Among successful examinees—men who pass the tests—whites also do much better than Negroes. Fewer than one-twentieth as many Negroes score in mental Group I as would be expected on the basis of the theoretical norms for the standard population. More than two-thirds of the Negroes examined for military service in 1966 fell in Group IV or below. By theoretical distribution, 69 percent would fall in Groups I, II, and III; less than 22 percent of the Negroes did so. Specifically:

Estimated percentage distribution of draftees by mental group, by race: Fiscal year 1966

Mental group	White	Negro	Total
I	7.6	0.3	6.7
II	32.1	3.3	28.8
III	34.6	18.2	32.8
IV	16.0	18.2	18.5
V	9.1	37.1	12.3
Administratively acceptable	0.6	2.9	0.9

¹ Mental group IV consists of (a) white—9.4 percent passed AQB, 6.6 percent failed AQB (trainability limited); (b) Negro—17.5 percent passed AQB, 20.7 percent failed AQB (trainability limited); (c) total—10.3 percent passed AQB, 8.2 percent failed AQB (trainability limited).

(The illustrations and accompanying table below are derived from the table above by subtracting the failing group and redistributing percentages.)

IMPACT OF POVERTY

These test results mirror America's erratic progress toward its elusive goal of educational equality. They also reflect the host of distributing social and economic problems that face the Nation: For example, the 1963 Department of Labor study reported that the majority of young men failing the AFQT, white and Negro alike, were the products of poverty. Forty percent of them had never gone beyond grammar school, four out of five didn't finish high school, almost one-third came from broken homes, and one-fifth came from families that have needed public assistance. The unemployment rate for rejectees was substantially higher than for other young men in the same age group, and most of those who were employed held unskilled jobs and had by far the lowest earnings in their age group.

Clearly this suggests a relationship between failing scores on the mental tests and the environment of poverty, just as the regional extremes point to a serious inequality of educational opportunity.

The most relevant index for appraising the quality of education in a community is the degree to which it provides the basic knowl-

edge and skills that are required in our contemporary world. AFQT results tell a great deal more than the number of men who are not qualified intellectually to enter the Armed Forces. These same young men are equally unqualified to become contributing members of our work force. They have not been educated to provide for themselves and their families.

"Today's military rejects include tomorrow's hard-core unemployed," said President John F. Kennedy. "The young man who does not have what it takes to perform military service is not likely to have what it takes to make a living."

The rejection rate on the AFQT is not an infallible guide, but it is impressive evidence of failure by many schools. The grown man who cannot pass the AFQT is in serious trouble. This test does not measure innate intelligence or scholastic aptitude—it measures precisely those skills that are most important in terms of jobs and income.

With rare exceptions, those who fall have had all the formal schooling they are going to get. Only four percent of the rejectees the Department of Labor studied in 1963 had taken business or commercial courses and only 17 percent had taken vocational or technical courses. The substantial majority of rejectees had been in academic courses—but their most common deficiency on the AFQT was apparently that they could not read or do simple arithmetic.

The extreme variations in regional performance clearly suggest that schools have not erased inequality based on accidents of geography; the extreme racial variations make it clear that the schools have yet to overcome the environmental handicaps of the Nation's Negro students. It is unlikely that the talent pool in any one State is substantially different than the talent pool in any other State. It is a demonstrable fact that the talent pool in any one ethnic group is substantially the same as that in any other ethnic group.

"There is absolutely no question of any genetic differential," says a special Department of Labor Report on the Negro Family. "Intelligence potential is distributed among Negro infants in the same proportion and pattern as among Icelanders or Chinese or any other group."

In every generation talent appears at every social stratum in every geographic area. "In every race, nation, class, and community, better and worse endowed individuals can be found," wrote anthropologist Juan Comas. "This is a biological fact to which there are no exceptions."

Thus the AFQT results seem to point up failure in the schools. Whatever the combination of nonschool factors—poverty, unstable families, community attitudes, low educational level of parents, etc.—which put minority group students at a disadvantage in verbal and nonverbal skills when they enter first grade, it is clear that the schools do not overcome them, notes a just-completed report by the U.S. Office of Education.

The OE report is based on a study of educational opportunity that included achievement testing of as many as 135,000 students at one of five way-points in their educational career—first, third, sixth, ninth, and twelfth grades. At each grade level the Negro pupils scored distinctly lower than did white students but most important to note is that by the twelfth grade the difference had increased.

For example, Negroes were 10.7 points below whites in nonverbal scores in the first grade. By twelfth grade this gap had grown to 11.1 points. In verbal scores, the gap widened from 7.2 points in first grade to 11.2 points by twelfth grade.

The price of poor school support is poor education. Military rejection rates for each Army area are shown for calendar year 1965 and related to what the schools in each of

the areas were providing for current expenditures per pupil in average daily attendance (ADA) in school year 1964-65. Data are for 48 States and the District of Columbia. Averages are: 20.9% mental test failures nationally; \$483 current expenditures per pupil in ADA.

Thus, whatever the degree of inequality when the youngster enters the school system, it is greater when he leaves. The schools not only fail to close the gap, they don't even enable Negro students to hold their own.

The overall differences mentioned should not obscure the fact that many Negro children outperform white children. Additionally, by grade 12, both white and Negro students in the South scored lower on these tests than did white and Negro students in the North. Also, southern Negroes scored further below southern whites than did northern Negroes below northern whites—a regional finding that correlates with the Armed Forces mental test results. (The OE study reports only regional data; by prior agreement with chief State school officers it does not reveal State-by-State test results.) The OE study also found that the average white student's achievement is less affected by the strength or weakness of his school than is that of the average Negro student.

Although there is no wholly consistent pattern, in general the study found that Negroes are offered fewer of the facilities that are most related to academic achievement (i.e., physics, chemistry, and language laboratories; libraries; textbooks; etc.). Usually greater than the majority-minority differences, however, are the regional differences.

The OE survey shows, for example, that white children generally attend elementary schools with a smaller average number of pupils in their classrooms (29) than do any of the Negroes (32). The regional breakdowns however, show that in the Southwest the Negroes average 39 pupils per room compared to 26 per room for whites. Twice as many Negro high school students in the metropolitan Far West attend schools with language laboratories as do their counterparts in the metropolitan South (95 percent versus 48 percent; for whites it is 80 percent versus 72 percent). One hundred percent of Negro high school students in the metropolitan Far West have access to a remedial reading teacher, compared with 46 percent in the metropolitan South.

Overall, Negro students are less likely to attend secondary schools that are accredited, they have less access to college preparatory curriculums, and their teachers have weaker academic credentials.

Since it is as axiomatically true in education as elsewhere that you get what you pay for, the correlation between this data, expenditure tables on pages 8 and 9, and the Armed Forces test results is no surprise—but neither is it very informative. It serves only as a fever gauge, saying that the patient is ill, but unable to identify his malady.

Far more precise diagnostic tools are needed to pinpoint what is happening in the Nation's schools, to show what children actually learn and when and how well they learn it.

For this reason the Carnegie Corporation 2 years ago organized a top level committee to look into the question of whether there could or should be a national assessment of education. The committee (a private nonprofit corporation) has concluded that such an undertaking would be not only feasible, but desirable. The project has progressed from the proposal to the planning stages.

A large part of the impetus toward national assessment stems from the increasing Federal investment in education. Congress and the American taxpayer want to know what the Nation is getting for its money—and not in terms of things bought but in terms of educational increments.

Twenty years ago such an assessment would have been so large an undertaking as to make it almost impossible. Today, the theory and technology of statistical sampling is so far advanced that Richard Scammon, former director of the Bureau of the Census, says a random sample of one-half of one percent of the population can provide data statistically accurate within a few percentage points.

The Carnegie committee would sample five percent of children in the 9, 13, and 17 age brackets and 29-year-old adults. The 9-year-olds represent children who are expected to have achieved the goals of primary education; the 13-year-olds, elementary; and the 17-year-olds, secondary. Adults would be surveyed for comparative purposes because they represent the major factor in determining the educational level of the Nation.

No participating pupil, teacher, or school would be identified. Breakdowns would be by sex, by ethnic group, by socio-economic level, by geographic region, and by rural, urban, and suburban residence. The committee proposes periodic assessments every three or five years.

It would be impossible to teach to the test, points out Committee Chairman Ralph Tyler. A teacher would be extremely unlikely to have more than one pupil tested in a five-year period, and that pupil would take only a small portion of the whole test—which is expected to require 20 hours for completion and to include seven subject areas: reading, language arts, mathematics, social studies, citizenship, fine arts, and vocational education. Prototype tests, being developed by leading educational research firms under contract to the committee, will be ready for field testing early next year.

Such tests, if applied nationwide could provide a consistent and comprehensive account of the accomplishments of the Nation's educational system. The general public could, for the first time, get a report of what tax dollars buy in educational achievement.

STATE RANKINGS OF EDUCATION INDICATORS SHOW SIMILARITY IN PERFORMANCE *Estimated percent of illiteracy in population over 14: 1960*

1. Louisiana	6.3
2. South Carolina	5.5
3. Hawaii	5.0
4. Mississippi	4.9
5. Georgia	4.5
6. Alabama	4.2
7. Texas	4.1
8. North Carolina	4.0
New Mexico	4.0
10. Arizona	3.8
11. Arkansas	3.6
12. Tennessee	3.5
13. Virginia	3.4
14. Kentucky	3.3
15. Alaska	3.0
16. New York	2.9
17. West Virginia	2.7
18. Florida	2.6
United States	2.4
19. Rhode Island	2.4
20. New Jersey	2.2
Massachusetts	2.2
Connecticut	2.2
23. Pennsylvania	2.0
24. Oklahoma	1.9
District of Columbia	1.9
Maryland	1.9
Delaware	1.9
28. Illinois	1.8
California	1.8
30. Missouri	1.7
31. Michigan	1.6
32. Ohio	1.5
33. North Dakota	1.4
New Hampshire	1.4
35. Maine	1.3
Colorado	1.3
37. Wisconsin	1.2
Indiana	1.2

Estimated percent of illiteracy in population over 14: 1960—Continued

39. Vermont	1.1
Nevada	1.1
41. Montana	1.0
Minnesota	1.0
43. Wyoming	0.9
Washington	0.9
Utah	0.9
South Dakota	0.9
Nebraska	0.9
Kansas	0.9
49. Oregon	0.8
Idaho	0.8
51. Iowa	0.7

Source: Census Bureau.

Pupil-teacher ratio in public schools: Fall 1965

1. Hawaii	29.8
2. Mississippi	28.7
3. Alabama	28.1
4. Tennessee	27.9
5. Georgia	27.8
6. Michigan	27.1
7. California	26.7
8. South Carolina	26.5
Utah	26.5
10. North Carolina	26.4
11. West Virginia	26.3
12. Arkansas	26.2
13. Missouri	26.0
14. Ohio	25.8
15. Louisiana	25.6
Dist. of Columbia	25.6
17. Florida	25.5
Kentucky	25.5
19. Virginia	25.0
20. Texas	24.9
Indiana	24.9
22. Pennsylvania	24.6
United States	24.6
23. Maryland	24.5
Nevada	24.5
25. New Mexico	24.4
Maine	24.4
27. Washington	24.2
28. Oklahoma	23.9
Idaho	23.9
30. Arizona	23.8
31. Minnesota	23.4
32. Rhode Island	23.3
Illinois	23.3
New Hampshire	23.3
35. Connecticut	23.0
36. Massachusetts	22.7
37. Delaware	22.6
38. Colorado	22.3
Wisconsin	22.3
Alaska	22.3
41. New York	21.8
Montana	21.8
New Jersey	21.8
44. Vermont	21.7
45. Iowa	21.5
Oregon	21.5
47. Nebraska	20.7
48. North Dakota	20.5
49. Wyoming	20.3
50. South Dakota	19.7
51. Kansas	19.0

Source: Office of Education.

Median school years completed by persons 25 years old and older: 1960

	All	White	Non-white
1. South Carolina	8.7	10.3	5.9
Kentucky	8.7	8.7	8.2
3. West Virginia	8.8	8.8	8.4
Tennessee	8.8	9.0	7.5
Louisiana	8.8	10.5	6.0
6. North Carolina	8.9	9.8	7.0
Mississippi	8.9	11.0	6.0
Arkansas	8.9	9.5	6.5
9. Georgia	9.0	10.3	6.1
10. Alabama	9.1	10.2	6.5
11. North Dakota	9.3	9.3	8.4
12. Missouri	9.6	9.8	8.7
13. Virginia	9.9	10.8	7.2
14. Rhode Island	10.0	10.0	9.5
15. Pennsylvania	10.2	10.8	8.9

Median school years completed by persons 25 years old and older: 1960—Continued

	All	White	Non-white
16. Wisconsin	10.4	10.4	9.0
Texas	10.4	10.8	8.1
South Dakota	10.4	10.5	8.6
Oklahoma	10.4	10.7	8.6
Maryland	10.4	11.0	8.1
21. Illinois	10.5	10.7	9.0
United States (United States 1964)	10.6	10.9	8.2
22. New Jersey	10.6	10.8	8.8
23. New York	10.7	10.8	9.4
24. Minnesota	10.8	10.8	9.1
Michigan	10.8	11.0	9.1
Indiana	10.8	10.9	9.0
27. Vermont	10.9	10.9	10.5
Ohio	10.9	11.0	9.1
New Hampshire	10.9	10.9	11.7
Florida	10.9	11.6	7.0
31. Maine	11.0	11.0	10.7
Connecticut	11.0	11.1	9.1
33. Delaware	11.1	11.6	8.4
34. New Mexico	11.2	11.5	7.1
35. Iowa	11.3	11.3	9.5
Hawaii	11.3	12.4	9.9
Arizona	11.3	11.7	7.0
38. Nebraska	11.6	11.7	9.6
Montana	11.6	11.7	8.7
Massachusetts	11.6	11.6	10.3
41. Kansas	11.7	11.8	9.6
District of Columbia	11.7	12.4	9.8
43. Oregon	11.8	11.8	9.9
Idaho	11.8	11.8	9.6
45. Wyoming	12.1	12.1	9.3
Washington	12.1	12.1	10.5
Nevada	12.1	12.2	8.8
Colorado	12.1	12.1	11.2
California	12.1	12.1	10.5
Alaska	12.1	12.4	6.6
51. Utah	12.2	12.2	10.1

Source: Census Bureau.

Estimated current expenditure per pupil in average daily attendance in public schools, by State: 1956-1966

1. Mississippi	\$317
2. South Carolina	349
3. Alabama	355
4. Tennessee	361
5. West Virginia	367
6. Kentucky	375
7. Arkansas	376
8. North Carolina	379
9. Georgia	384
10. Idaho	400
11. Maine	410
12. Nebraska	419
13. Virginia	424
14. Florida	439
15. Texas	449
16. Utah	459
17. North Dakota	460
18. New Hampshire	479
19. Louisiana	481
Oklahoma	481
21. Missouri	485
22. Ohio	503
23. South Dakota	507
Vermont	507
25. Kansas	511
26. Indiana	512
27. Colorado	513
28. Arizona	514
29. Hawaii	515
30. Michigan	523
31. Nevada	528
32. Massachusetts	530
United States	532
33. Iowa	549
34. Wyoming	551
35. Maryland	552
36. Washington	556
37. Pennsylvania	565
38. Montana	567
39. Wisconsin	575
40. Rhode Island	576
41. Minnesota	577
42. Dist. of Columbia	578
New Mexico	587
44. Delaware	580
45. California	582
46. Illinois	591
47. Oregon	612
48. Connecticut	637

Estimated current expenditure per pupil in average daily attendance in public schools by State: 1956-1966—Continued

49. New Jersey	662
50. Alaska	775
51. New York	876

Source: Office of Education.

Percent of public school classroom teachers paid \$6,500 or more: 1965-66

1. Mississippi	0.6
2. South Dakota	2.0
Kentucky	2.0
4. South Carolina	2.5
5. West Virginia	2.8
6. Arkansas	4.0
7. Alabama	5.0
8. Oklahoma	6.0
9. Tennessee	8.0
10. North Carolina	8.8
11. Idaho	9.5
12. Georgia	11.0
13. North Dakota	12.2
14. Nebraska	12.5
15. Maine	15.3
16. Texas	15.8
17. New Hampshire	17.1
18. Montana	17.8
19. Virginia	19.5
20. Vermont	20.0
Louisiana	20.0
22. Kansas	20.5
23. Missouri	24.0
24. Iowa	25.0
25. Florida	33.0
26. Ohio	37.5
27. Colorado	39.1
28. Wyoming	40.3
29. Wisconsin	41.0
United States	41.3
30. Utah	42.1
31. Pennsylvania	43.4
32. New Mexico	45.9
33. Rhode Island	46.5
34. Hawaii	47.0
35. Oregon	47.7
36. Minnesota	49.0
37. Illinois	51.2
38. New Jersey	55.2
39. Maryland	56.0
Indiana	56.0
41. Michigan	56.2
42. Connecticut	56.5
43. Washington	57.0
Nevada	57.0
45. Massachusetts	58.5
46. Arizona	60.0
47. Delaware	61.0
48. California	77.0
49. New York	79.0
50. Alaska	94.8

Source: NEA Research Division. Rankings of the States, 1966. Copyright 1966 by the National Education Association. All rights reserved.

The same States lead or lag in various sectors: Literacy level, school expenditures, military test failures, teacher salaries:

Percent of voting age population participating in presidential elections: 1964

1. Mississippi	33.3
2. Alabama	36.3
3. South Carolina	39.3
4. Virginia	42.9
5. Georgia	44.8
6. Texas	45.3
7. Louisiana	47.9
8. Arkansas	50.4
9. Tennessee	51.6
10. North Carolina	53.0
11. Florida	53.8
12. Kentucky	54.1
13. Arizona	55.5
14. Maryland	57.0
15. Nevada	57.1
16. Alaska	62.2
United States	62.8
17. New York	63.4

Percent of voting age population participating in presidential elections: 1964—Con.

18. Oklahoma	63.5
19. New Mexico	65.4
20. Kansas	66.0
Hawaii	66.0
22. California	66.1
23. Ohio	66.7
24. Maine	66.9
25. Nebraska	67.6
26. Vermont	67.9
27. Missouri	68.0
28. Pennsylvania	68.1
29. Michigan	69.1
30. New Jersey	69.2
31. Colorado	69.7
32. Oregon	69.8
33. Wisconsin	70.7
34. Rhode Island	71.1
35. Montana	71.2
36. Massachusetts	71.7
37. Connecticut	72.1
38. Iowa	72.3
39. Delaware	72.5
40. Washington	73.0
41. South Dakota	73.4
42. North Dakota	73.8
New Hampshire	73.8
44. Indiana	74.1
45. Illinois	74.3
46. Wyoming	74.5
47. West Virginia	75.1
48. Idaho	76.5
49. Minnesota	76.8
50. Utah	77.3

Source: Department of Commerce.

Draftee failures on Armed Forces mental tests (by percent)

	August 1958 to December 1965	1965
U.S. average	23.4	20.2
Mississippi	57.3	37.0
South Carolina	53.2	48.2
Louisiana	45.2	36.2
North Carolina	42.5	41.1
Alabama	42.3	38.5
Georgia	41.3	41.2
Arkansas	38.4	25.3
Tennessee	36.3	31.8
District of Columbia	35.6	34.1
Virginia	33.8	28.9
Kentucky	33.5	26.5
West Virginia	31.3	27.8
Florida	31.1	25.5
Maryland	27.1	24.1
Texas	25.7	22.9
Delaware	25.4	21.9
New York	24.4	20.4
New Mexico	24.0	25.1
Hawaii	23.1	23.0
New Jersey	22.8	16.5
Maine	20.7	18.3
Arizona	19.7	20.2
Illinois	19.1	16.0
Connecticut	18.4	16.8
Missouri	17.7	17.1
Nevada	17.5	14.5
California	16.3	14.8
Pennsylvania	15.5	13.9
Oklahoma	15.3	16.5
Michigan	15.3	14.1
Ohio	14.7	14.0
Vermont	14.4	11.3
Massachusetts	14.1	12.9
Indiana	13.8	10.8
New Hampshire	13.4	9.5
Rhode Island	13.1	8.9
Alaska	12.9	13.8
Colorado	12.2	13.9
Wisconsin	10.6	9.3
South Dakota	10.6	10.5
North Dakota	9.7	9.7
Kansas	9.4	10.2
Nebraska	9.1	8.7
Idaho	8.8	8.0
Wyoming	8.6	9.2
Oregon	7.1	6.9
Minnesota	7.0	7.6
Utah	6.5	6.6
Montana	6.5	6.2
Iowa	6.4	5.1
Washington	6.3	7.0

Source: Office of the Surgeon General, Army.

High school dropouts (percent of 1961-62 ninth graders not graduating in 1964-65)

1. Mississippi	37.7
2. Georgia	37.0
3. Kentucky	36.3
4. North Carolina	33.7
District of Columbia	33.7
6. Alabama	33.6
7. Tennessee	33.2
8. New Mexico	33.1
9. South Carolina	33.0
Alaska	33.0
11. Louisiana	32.6
12. Arizona	31.9
13. Florida	31.5
14. West Virginia	31.0
15. Texas	30.5
16. Virginia	30.2
17. Arkansas	30.1
18. Kansas	29.9
19. Missouri	27.6
20. Illinois	25.8
21. Oklahoma	25.6
22. Wyoming	25.3
United States	25.1
23. Indiana	25.0
24. Maine	24.0
25. Maryland	23.7
26. New York	23.6
27. Nevada	23.0
Vermont	23.0
29. Michigan	22.7
30. Colorado	21.8
31. New Hampshire	21.5
32. Idaho	21.4
33. New Jersey	20.8
34. Massachusetts	20.6
35. Delaware	20.4
36. Utah	19.1
37. Ohio	18.9
38. South Dakota	18.7
39. North Dakota	18.6
40. Connecticut	18.4
Rhode Island	18.4
42. Nebraska	18.1
43. Pennsylvania	17.7
44. Oregon	17.4
45. Iowa	16.8
46. Montana	15.7
47. Washington	15.1
48. Hawaii	14.5
49. Wisconsin	14.2
50. California	12.5
51. Minnesota	12.1

Source: Office of Education.

Average annual salaries of classroom teachers in public schools: 1965-66

1. Mississippi	\$4,190
2. South Dakota	4,650
3. South Carolina	4,675
4. Arkansas	4,740
5. Kentucky	4,930
6. West Virginia	4,990
7. Tennessee	5,100
8. North Dakota	5,120
9. Alabama	5,150
10. Nebraska	5,225
11. North Carolina	5,337
12. Georgia	5,350
13. Maine	5,550
14. Vermont	5,640
15. Virginia	5,650
Oklahoma	5,650
New Hampshire	5,650
18. Idaho	5,685
19. Kansas	5,785
20. Montana	5,800
21. Missouri	5,857
22. Texas	5,950
23. Louisiana	6,039
24. Iowa	6,050
25. Wyoming	6,119
26. Utah	6,260
27. Rhode Island	6,325
28. Ohio	6,350
29. New Mexico	6,356
30. Colorado	6,391
31. Pennsylvania	6,410
32. Wisconsin	6,425

Average annual salaries of classroom teachers in public schools: 1965-66—Continued

33. Florida	\$6,435
United States	6,500
34. Minnesota	6,641
35. Oregon	6,650
36. Washington	6,825
37. Michigan	6,850
38. Maryland	6,878
39. Hawaii	6,929
40. New Jersey	6,968
41. Nevada	7,025
Arizona	7,025
43. Indiana	7,050
44. Massachusetts	7,100
45. Illinois	7,123
46. Delaware	7,150
47. Connecticut	7,200
48. District of Columbia	7,500
49. New York	7,700
50. California	8,150
51. Alaska	8,240

Source: Office of Education.

Armed Forces mental test failures, 18-year-olds: June 1964 to December 1965 study

[In percent]

	Total	White	Negro
U.S. average	25.3	18.8	67.5
District of Columbia	55.3	16.8	65.4
South Carolina	54.6	21.8	85.6
Mississippi	53.8	25.2	84.9
North Carolina	53.0	37.9	82.1
Tennessee	49.0	43.7	70.8
Louisiana	46.0	25.4	74.9
Virginia	45.3	33.6	73.7
Alabama	44.5	24.4	76.2
Georgia	43.2	23.5	79.1
Kentucky	39.1	38.0	59.2
Texas	38.6	32.5	69.4
West Virginia	35.5	35.3	46.0
Arkansas	33.7	21.0	70.9
Florida	32.9	18.4	74.4
New Mexico	29.4	29.1	62.1
Hawaii	28.3	28.2	100.0
Maryland	27.8	19.1	55.2
Arizona	25.9	24.0	68.1
New York	24.9	21.1	53.8
Oklahoma	23.3	19.3	60.1
Missouri	21.6	17.3	65.4
Colorado	21.2	20.5	54.7
Maine	20.9	20.9	(¹)
Delaware	20.8	12.8	52.6
California	19.5	17.1	49.4
Michigan	18.2	14.4	46.2
Illinois	17.8	13.4	55.5
Massachusetts	17.0	16.6	42.2
New Hampshire	16.1	16.1	(²)
Vermont	15.1	15.1	(²)
Nevada	14.9	9.4	68.2
New Jersey	14.4	10.7	45.2
Indiana	14.2	12.8	43.6
North Dakota	14.1	14.1	(³)
Ohio	13.9	11.9	40.3
Connecticut	13.8	11.3	50.3
Pennsylvania	13.7	11.6	41.7
Kansas	13.5	11.8	45.9
Alaska	13.1	12.9	50.0
South Dakota	12.6	12.6	(²)
Rhode Island	12.4	12.1	29.3
Nebraska	12.1	10.9	54.7
Idaho	11.4	11.4	(³)
Wisconsin	9.4	8.7	56.2
Montana	8.3	8.3	100.0
Utah	8.2	8.1	50.0
Iowa	7.7	7.7	(²)
Wyoming	7.5	7.6	(²)
Oregon	7.4	7.0	57.8
Minnesota	6.9	6.9	137.4
Washington	5.8	5.5	25.0

¹ Small sample.² Too small—figure meaningless.

NOTE.—Range: Total: 5.8 percent (Washington) to 55.3 percent (District of Columbia); white: 5.5 percent (Washington) to 43.7 percent (Tennessee); Negro: 25 percent (Washington) to 85.6 percent (South Carolina).

Source: Office of the Surgeon General, Army.

MORE INFLATION

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "More Inflation? Corporate Economists Say Johnson Program Won't Halt Price

Rises," written by Albert R. Karr, and published on the front page of yesterday's issue of the Wall Street Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE INFLATION? CORPORATE ECONOMISTS SAY JOHNSON PROGRAM WON'T HALT PRICE RISES—THEY SEE COST PUSH FROM BIG PAY HIKES REINFORCING PRESSURES OF HOT DEMAND—FIRMS BUDGET FOR TAX BOOST

(By Albert R. Karr)

"We're going to get a lot more inflation in the months just ahead."

That's the prediction of Albert G. Matamoros, economist for Armstrong Cork Co., and of a great majority of corporate economists interviewed by The Wall Street Journal. The economists think that the Government's consumer price index, which rose at a 4.8% annual rate between July and August, will continue to climb at about that rate for the rest of 1966. The rate is more than three-and-a-half times the average annual 1.3% rise the index recorded between 1960 and 1965.

The Johnson Administration's plan to cool off the economy by suspending for 16 months both the 7% investment tax credit granted to business and accelerated depreciation allowances on buildings won't work, most of the corporate economists believe. They think the Administration in 1967 will be driven to an income-tax increase to fight inflation.

But even then "we're looking for a continued rise in inflation into mid-1967," says an economist for Clark Equipment Co., Buchanan, Mich., maker of construction machinery.

CHANGE IN THE PROBLEM?

A major reason for these forecasts: "We are in the midst of a very subtle change in the nature of inflation, from the type of inflation associated with excessive demand to a type associated with rising costs," says Daniel W. Hodes, economist for General Telephone & Electronics Corp. He and others believe that prices, which so far have been pushed up primarily by the pressure of strong demand on a U.S. industrial capacity that is severely strained, shortly will be pushed up by rising costs of labor and materials as well.

Labor cost increases so far have been largely offset by gains in productivity. A Government index of output per man-hour in the nonfarm economy rose during 1965 from 120% of the 1957-59 average to 124.6%, an average gain of over a percentage point a quarter.

But the rise has slowed in 1966. The Government index rose 0.9 point in the first quarter, then fell 0.5 in the second quarter.

Meanwhile, workers have seen their purchasing power eroded by rising living costs. Their unions have noted that manufacturers' after-tax profits in the second quarter were 5.9% of sales, the highest profit margin since 1950, according to Government figures.

Already, economists note, wage demands and settlements are rising. The Machinists Union settled its strike against major airlines for an increase far exceeding the Government's 3.2% "guidepost" for noninflationary boosts. A settlement between the Communications Workers and Western Electric Co. grants increases topping 5%. And many construction industry agreements have far exceeded the guideposts.

HARD TO RESIST

Next year such major unions as the United Auto Workers, the United Rubber Workers and the Teamsters negotiate major contracts. "The wage-price guideposts are obviously off, and with corporate profits as high as they are, unions are certainly going to press for big wage increases," says D. B. Kindler of Wheeling Steel Corp. An Air Transport Association economist adds that "with unem-

ployment rates at such low levels, worker bargaining power is awfully strong."

So, economists fear, a combination of big wage boosts and small productivity gains will end a long period of stability in labor costs per unit of output. For manufacturers these costs in August were 99.7% of the 1957-59 average, Government figures show.

The business economists doubt that President Johnson's current program, which is designed largely to slow corporate capital spending will do much to curb even "demand-pull" inflation. They cite a National Industrial Conference Board survey indicating that suspension of the investment tax credit is unlikely to have much effect before late 1967 or 1968, as most companies are committed on expansion projects through next year. One company polled said the suspension would only "require us to borrow more money" to finance expansion, and thus "put more pressure on the tight money situation."

Economists see no sign of a cutback in Government spending to reduce demand pressures, either. Most look for defense outlays to rise throughout 1967, to a fourth-quarter rate roughly 10% higher than in the final 1966 quarter, and to more than cancel out any reduction in nondefense outlays the White House might effect.

"A MESSY SITUATION"

In this situation, without a tax boost to "reduce demand pressures, we might get into big trouble," says Avram V. Kisselgoff, economist for Allied Chemical Corp. "We're in a messy situation." Edwin W. Magee, Jr., partner in Mackay-Shields Economics, Inc., a consulting firm, says that "almost every company we talk to assumes that chances are better than 50-50 that there will be a tax increase."

Many business economists are so sure taxes will be raised that they are advising their companies to plan 1967 budgets on the assumption that the corporate income-tax rate will be 50% or higher, against the present 48%. This could mean, among other things, that profits available to finance capital spending would be reduced by higher taxes.

Companies getting such advice from their economists include Allied Chemical, Clark Equipment, Du Pont Co., Continental Can Co. and Boeing Co. Boeing already has a "contingency plan" to take a higher tax rate into account, says Manuel S. Rustia, a company economist. An economist for Clark Equipment says his company is planning on a 50% to 51% corporate income-tax rate in 1967, and is "reviewing all of our costs to try to offset the rise in material and labor costs that we're sure to have in the month immediately ahead."

Mr. MILLER. This article predicts what many economists have been forecasting regarding the trend of inflation, and their estimates that the Federal Government will not be reducing its spending, as a result of which inflation is likely to continue. The article indicates that these economists—and they are numbered among the leading economists of the Nation—do not believe that President Johnson's current program for meeting inflation will get the job done at all, and they believe that a tax increase will likely take place.

It further points out that members of the working class of our society are seeing the purchasing power of their earnings eroded away by inflation, and these economists expect another round of wage increases to be coming along sometime early next year, if not before.

SENATOR FULBRIGHT'S NBC INTERVIEW

Mr. McGOVERN. Mr. President, on last Sunday, the distinguished Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations, was interviewed by veteran correspondent, Robert McCormick, on the NBC "Vietnam Weekly Review." I had the privilege of watching the interview on television and was impressed, as always, with the thoughtful, probing observations of the Senator from Arkansas.

Senator FULBRIGHT has demonstrated the highest form of patriotism in expressing enough concern about our national interest and the peace of the world to speak out honestly on important foreign policy issues. Thoughtful men of good will can easily come to differing points of view on complicated matters of foreign policy. But so long as there are statesmen such as Senator FULBRIGHT with clear voices, penetrating minds, and enough courage to demonstrate those talents honestly, our democratic process will continue to serve us well.

I have noted some of the complaints of certain columnists who have suggested that because the chairman of the Committee on Foreign Relations does not always echo the official line, he is performing a disservice. Actually, any Senator who can do no better than blindly rubber-stamp Federal policy is not worthy of his salt. Neither is he a helpful patriot.

As a fellow Senator and as a citizen, I become more grateful each day for the foreign policy leadership of Senator FULBRIGHT.

I ask unanimous consent that the text of his interview with Mr. McCormick be printed at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF THE TELEVISION INTERVIEW OF SENATOR J. WILLIAM FULBRIGHT, CHAIRMAN OF THE SENATE FOREIGN RELATIONS COMMITTEE, BY ROBERT MCCORMICK, NBC NEWS CONGRESSIONAL CORRESPONDENT, ON A SPECIAL EDITION OF "VIETNAM WEEKLY REVIEW," SHOWN ON THE NBC NETWORK SUNDAY, OCTOBER 2, 1966

ROBERT MCCORMICK. Mr. Chairman, where do you think we're going in South-East Asia?

J. WILLIAM FULBRIGHT. Well, Bob, I think we're going in the wrong direction with this constant escalation of the war. Of course it's not so easy to put it simply that way. The speech of Arthur Goldberg's the other day was a restatement and I thought a very succinct and persuasive one. But in view of our actions and the constant build up of our forces, I can see why it isn't accepted by our enemies in Viet Nam. Something more than that has to be done, in my view. If we're not willing to take some initiative unilaterally, I doubt that they're going to deescalate, if I may use that word. And if we continue to escalate, I see but one thing: a war with China and possibly a world war.

I know that big countries never like to back up. They like to go through to victory. That's the tradition, and our country's not doing anything worse than big countries have always done. I wouldn't for a moment suggest that America is worse in any respect

than the great empires or great countries of the past. There is always an impulse to use power if you have it—and we have it. We've developed it—not intentionally for this purpose but due to a lot of circumstances. I'm not being critical of my country, in the sense of comparing it to the way other countries have acted, but I would expect more of America than of other countries. And the most important element in this picture, which makes it imperative that we act differently from great empires in the past, is the existence of nuclear weapons. It's impossible for me to understand how a country like our own can risk a great war, a third world war, with nuclear weapons in the offing. I can't help but think that it's disastrous for us not to take the initiative to stop this war by a compromise—and that's the long and short of it. The great difference is the possibility that we will have a war. You remember in the test ban hearings some of our leading public officials talked rather glibly about the first exchange in which maybe fifty million Americans would be killed, as if it wasn't very important. I was shocked at that, at their talking about it in that impersonal way as if things would go on after that in just the same way except that we would have lost fifty million people. And of course we expected the Russians to lose a hundred million, I suppose. Do you remember those hearings?

McCORMICK. Yes, I do.

FULBRIGHT. We've talked about this kind of thing so much people have kind of accepted it and have become immune. They don't seem to give any particular significance to it. This makes no sense to me. Here we are, going along a course that's not unlike the course other vast countries have followed when they have had power—trying to impose their will and seeking to impose a solution themselves—but with nuclear weapons in the background and we're no longer the only ones who have nuclear weapons. The Russians have them. We don't deny that.

McCORMICK. What unilateral initiative could we take?

FULBRIGHT. Stopping the bombing in the North is one. Making it very clear that we recognize that the Viet Cong is the major fighting body in the field and that the National Liberation Front should be represented is another. We've toyed around with this and we've almost said this but have not quite done so. I think that the most powerful party in a conflict is the one which must take the initiative if you really wish to have a compromise which would stop the war. If you wish a military victory—an imposed peace—of course, you don't take such an initiative. These are the two alternatives—either you have a compromise and try to work out a settlement that both sides accept or you don't. U Thant suggested three points. This is somewhat of an oversimplification but he said stop the bombing, treat with the Viet Cong and neutralize all Indo-China but especially South Viet Nam.

In this whole Vietnamese situation, the administration has not insisted upon the U.N. playing any part. I would hope that this would be the turning point in our policy toward an emphasis on the U.N. intervening and playing a part and on a compromise in South Viet Nam. I don't really believe the Russians wish to have a war. The Chinese are in a state of complete nervous prostration at the moment. Apparently no one knows quite what this means, but they're going through a very severe trauma. I think this is, in general, the way I would look at the situation. I would approach it by returning to the U.N. and by seeking a compromise to stop the war.

McCORMICK. Do you think along with that we should recognize Red China? Admit Red China to the U.N.?

FULBRIGHT. I would put it this way. I think we should withdraw our opposition to having Red China in the U.N. I'm not trying to suggest that we should begin courting Red China. She is in an extremely nervous state at the moment. I think it was U Thant who said that China's like a person going through a "nervous breakdown." There's no point in paying court to her. I don't think there's any point in offering to recognize her now. I don't think she would accept it. I don't think you'd get anywhere, and I think it would be embarrassing. Therefore I do not recommend it now. I do recommend simply stopping our opposition to her admission to the U.N. and letting the members go their own way. If a majority or even two thirds vote for admission, I believe this requirement for admission now has been set due to our very vigorous campaigning, I wouldn't interfere. I don't wish to push it to the point of saying we should actively vote for admission because as a result of our past actions this has become a matter of domestic politics in some parts of this country. I think it's unrealistic to say we should suddenly reverse our position and be for it. But at least we can withdraw our objection to admission.

McCORMICK. You used a phrase the other day that we seem to have the conviction that Communist China is incurably aggressive. What did you mean by that?

FULBRIGHT. I think this idea has been built up by our people in trying to support our policies. Our administration has tended to exaggerate certain incidents in the past, seeking to prove that China is militarily aggressive, that she's about to subvert, take over physically, absorb or conquer her neighbors. I don't think the evidence is at all clear on this. In fact I think she has shown great restraint. I think a good reason for this is that China is very weak, from the point of view of aggression. She has no air force to speak of—certainly nothing comparable to ours or a number of other countries; she has no navy to speak of; she only has a lot of bodies—a lot of men—foot soldiers—and they're not very mobile. I think they'd have great trouble in moving across anything further than the immediate frontier—and I think that the evidence that is cited of the Indian incident, Tibet and Korea is not good evidence of an aggressive determination on the part of China. The experts before our committee last spring—the best China scholars we have in this country—were pretty well agreed that there isn't any convincing evidence of China's desire to dominate her neighbors militarily.

McCORMICK. Do you believe in the falling Domino Theory—where the Chinese Communists push over one country, all countries behind them will fall down?

FULBRIGHT. I do not. I don't think it has any validity at all. This is somewhat like the idea that we're going to prove that wars of national liberation will not succeed. If we prove that it doesn't succeed here in Viet Nam this has nothing whatever to do with one starting in Latin America or Africa or somewhere else. It doesn't prove anything of the sort. Each country is different and has different circumstances surrounding it. What will succeed, whether or not a nationalist movement takes hold, whether a civil war breaks out—depends upon the circumstances in each case. The "falling Domino" is a little bit like the "International Communist Conspiracy"—the idea that all of the troubled spots in the world are tied together by a conspiracy, that they're all instigated by Communists and that therefore it's a kind of "holy crusade" against Communism to stop all the ills that afflict the various countries of the world. This doesn't make any sense to me.

McCORMICK. What about Thailand? Do you think we are faced with the same poten-

tial situation in Thailand that we now have in Viet Nam?

Sen. FULBRIGHT. Well, you know the administration's very sensitive about Thailand, but everything's been printed about it. A curious thing came about after the hearing the other day in which they denied that the base at Sattahip is a B-52 base. A friend of mine sent me an advertisement from the Wall Street Journal in which the contractor had put an ad. It said—we are building a B-52 base south of Bangkok and we are soliciting employees to come and work for us. (LAUGHS) This was an ad in the Wall Street Journal so obviously they're doing it. It's been in the papers. I deeply regret our involving Thailand to this extent. And here again this involvement in Thailand—this investment of hundred of millions of dollars and we have over thirty thousand troops there, and they're increasing—all of this is no secret. We're doing this. I think that it could involve Thailand and eventually result in another Viet Nam if we do not de-escalate and if we do not bring this war under control and find a settlement. This is part of the escalation—and I deeply regret it not only for our sake but the Thais also. Again it's one of the important elements that raises a doubt about our protestations of not intending to stay there. How does one reconcile this enormous investment with the statements that we are ready to stop—that we're ready to negotiate and pull out? It's hard for me to reconcile and if it is for me I'm sure it is for others.

McCORMICK. Well, you used another phrase in that connection—you've referred to welfare colonialism or welfare imperialism. What do you mean by those . . .

Sen. FULBRIGHT. Well . . .

McCORMICK. . . really?

Sen. FULBRIGHT. Actually I didn't coin that phrase. A name named MacDermott wrote an article—I believe it was in the Progressive magazine—and the title was "Welfare Imperialism." He was talking about our aid program primarily and the way in which when we get involved in aiding these countries we seem to assume the responsibility for directing their internal affairs.

I have always supported the aid program. I never dreamed in the beginning that it would be a tool for this kind of intervention in the affairs of other countries. Now I'm beginning to see that it is a tool. In recent experience, certain members of the Senate who are very strong in their views about military intervention and who formerly didn't support aid now are supporting it. All this has come together to make me think that this could be a very important tool in the establishment of welfare imperialism, if I may use that phrase, and therefore I'm now beginning—I have for some years but particularly this year—to insist, as far as I can, that assistance to underdeveloped countries be through a multilateral organization such as the International Bank or the United Nations Development Fund in order to insulate us from the impulse to interfere and intervene in the affairs of other countries, because I think it's dangerous for us as well as for the other countries.

McCORMICK. Do you think your ideas have had adequate expression in the press and you could include our own organization in that too?

Sen. FULBRIGHT. I think that television, of course, has been very generous toward our hearings, and I think they have given all the attention that is warranted. I don't have any particular complaint about television. In the press, I must say that I do have some complaint—not so much about giving my views. You know I don't expect them to accept everything I say. As for the role of the press, in our system we have the protection of the 1st Amendment for the press. It seems to me that because the Executive

Branch of the Government is the powerful part of our Government—I mean it commands, you know, the disposition of the resources of the country—the role of the press is to be the forum for questioning the policies of the Executive Branch of the Government. I don't know. I don't mean to exclude the Legislature from criticism. But above everything else it is necessary to keep a balance within our system. I think the press has defaulted, frankly. I think the great papers of this country—with few exceptions of course, particularly in Washington, have simply become so servile to the Executive—raising no question about the validity of these very important policies—that the possibility is destroyed of a really genuine discussion and dialogue which I thought was important to a democratic system.

I realize the administration has control of the Congress—they can get the votes. What I object to is that they're getting the votes on everything without adequate discussion. I think that in order for the people to understand what's involved—I think this war has been grossly misrepresented by some of the principal advocates, as to its nature and its origin. It's always difficult for anyone to take issue with your government—your own government. There's always the implication that you're not a loyal citizen. Of course I take the view that the really loyal ones will raise these questions in the hope that they can be sure that we don't follow false policies—that is, policies that are not in the national interest—and, as I said a moment ago, the nature of our system involved. I thought, participation by citizens and particularly members of the Senate and the Foreign Relations Committee. I consider it my duty—and yet you're made to feel that in some way you're a traitor. You know that's true; there are articles to this effect. You get the extreme articles such as White's in the Washington Post. They just mince no words—you're a traitor.

Most of the columnists—again with a few exceptions—applaud. They all seem so bloodthirsty. In this morning's papers, as every day, there are three or four articles on how many we kill—how we kill them—whether we burn them or whether we poison them or what we do to them. They seem to have such a bloodthirsty approach to this matter. Aren't you impressed with it? I think there were four different articles this morning largely about the same fight describing how many people we've killed—as if this proves something, as if our objective in life is to kill people. I hadn't thought it was. It reminds me of what Eric Fromm calls—what is it? "Love of Death." There's a word for it—"necrophilia."

McCORMICK. Yeah, necrophilia.

FULBRIGHT. Yeah, necrophilia—necrophilia people. I would think, write these articles.

McCORMICK. Well, now.

FULBRIGHT. Is that a bad word?

McCORMICK. Well, no. President Johnson, I believe, has insisted that we are a "pacific" country basically.

FULBRIGHT. You know it makes me sort of squirm when we insist on this. I think that of course there are times when every country has to fight. But to insist that we're "pacific" now seems to me to slightly tinged with hypocrisy or misunderstanding. I don't know which.

McCORMICK. Well, what do you think this has done to us in other countries? Has it enhanced our influence?

FULBRIGHT. You know it hasn't. Of all the wars we've ever been in, we have less support for this one than any I can think of—any international war. We have practically no support from any major country. We have the support of Australia and New Zealand; they are the only countries that you might say are not our "clients." Now, the support of Korea and the Philip-

pines is not evidence of approval—that's just evidence that.

McCORMICK. Imperial Colonialism?

FULBRIGHT. That this is welfare imperialism.

McCORMICK. Welfare.

FULBRIGHT. We're paying them. We're paying them to do this—and paying them very well indeed. But the big countries—the Western European countries, India, Pakistan, Japan, they're close to China and more intimately involved than we are. They don't approve of our policy—at least they give no tangible evidence of it. As far as I know, I've seen no important intangible evidence even such as approval. Words are cheap. They can do that without much lost. They've certainly given no tangible evidence. And I'm not aware of any significant intangible evidence of approval of our policy.

McCORMICK. I'd like to ask you something just a little bit personal. What has been the reaction to your position. So far at least, it would seem your position is a minority position? Do you feel it has had adequate attention? Do you feel you've been given a fair break? What has been the effect upon you personally?

Sen. FULBRIGHT. If you say minority, and if you're speaking of the Senate or the Congress, you're quite right. I'm not sure that my position's a minority position in the country. The polls are very confusing on this. The dissatisfaction with present government policy would indicate that about fifty percent don't agree.

Now, they may have different bases for agreeing. When one says that people wish to enlarge the war in Viet Nam, I think a very large number of these people who wish to enlarge it do not want to cause a world war—not go on and attack China. That is their view of how to stop it—and this is the traditional way. It's an easier way if you could do it. I don't think they can do it. I don't think they are doing it. And, I don't think it is morally supportable to go ahead and make a desert of this country in order to get a settlement—and it looks as if that's what they'll have to do if they pursue this policy. So that's why I favor a compromise.

Now, in the Congress there's no doubt—due to the President's great influence, in the Senate at least, and he is a political leader of great stature; he was extremely effective—I supported everything. I think, with one or two exceptions, in his domestic program and he was doing fine. One of the things that makes me saddest of all is how fine I thought his start was in the domestic field. I think his concept of The Great Society was a good one. Most of the measures were good and I supported them and still do. We're sacrificing that to the war.

You know how all of these other programs are being cut down. I see it in my own state and all over the country. The war is costing such a sum that it's almost incomprehensible to people—two billion dollars a month estimated at the present rate and getting larger. I think over five thousand casualties already—which is an awful lot you know—and I mean deaths—lots more casualties—I mean injuries and so on—but there have been over five thousand deaths and they're increasing. This is a very serious matter.

Personally, I feel very sad that I don't agree with it. What makes me saddest of all is that the administration doesn't agree with me. Because I feel that they are on a wrong track and it could be disastrous to my country. That's really all. It's uncomfortable to be accused of not having loyalty to your government and so on. I don't like to put it in those terms because I think I'm as loyal as anyone. I think this is purely a matter of judgment as to a correct policy in our national interest and that's all it is. There's

nothing personal about it. They often try to make it personal. You've seen many commentators seek to build up a kind of personal feud. Well, there is nothing to that at all. I have no feeling of a personal nature—of antagonism—to the President. He doesn't wish to have my advice now—but, if he did, I would be willing to do anything I could to help persuade him or to persuade others to follow our government.

I hope that we can find a way to get a conference. I think the President really means it when he says he would like to stop the war. Where we differ, I guess, is on how you stop the war. I know it's traditional for big countries not to back up, but it isn't the United States' prestige that would suffer. The United States is too great a country—it's too powerful—it does too much for its own citizens—it has too great a reputation to suffer any serious loss of prestige. The only loss of prestige would be on the part of the individuals who have been agitating this problem—they might lose some prestige. But, under the old tradition of "The king could do no wrong," this shouldn't apply to the President. The old tradition is that he's had bad advice. And it's a very useful, practicable principle to utilize in circumstances of this kind and has proved itself over the years in many instances throughout history.

McCORMICK. Mr. Chairman, suppose we took the unilateral initiative that you recommend—stopped the bombing? Suppose then the Communists were still utterly immovable? Then what?

Sen. FULBRIGHT. I would follow what we started calling earlier in the year the Gavin or Kennan Theory—what they advocated in the hearings—which would be to hold the most defensible and the best situations we have in Viet Nam now—I mean around Saigon, Da Nang and around the coast where we have ports—wherever we have a good air base that we can service and can defend. And then we would sit there—and instead of escalating and enlarging the war continually we would hold this and say we're going to stay here until you do come to a conference table.

This is what I would do rather than escalate. I don't see any final outcome of the escalation, if it keeps on and on and they still refuse to parley, except eventually engaging China. And I must say the chances then would be that Russia would be the next one. Nobody can prove this. I can't be sure. But we're dealing with probabilities and I think the probabilities involve such risks that I would like to minimize those risks. And the way to do it, it seems to me, is to bring about a settlement of this particular conflict at the moment. There will be other conflicts in the future. You can't pursue all these conflicts to the bitter end. You'd just have one big war after another, and I don't think the world can stand it, and I don't think it will with nuclear weapons. So that's the way I would proceed if I had anything to do with it.

EXPLOITATION OF PEOPLE OVER 65

Mr. MILLER. Mr. President, in the September issue of the Reader's Digest there appears an article, entitled "Let's Stop Exploiting People Over 65," written by Mr. Kenneth O. Gilmore.

The article points out many interesting things, but the most important thing of all is the fact that inflation is hurting our older people very badly. I agree with the author's observations on that point so wholeheartedly that I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET'S STOP EXPLOITING PEOPLE OVER 65!

(NOTE.—Crippled by inflation and mobilized by political hucksters, our older citizens are the victims of a cruel Great Society hoax.)

(By Kenneth O. Gilmore)

"There's an old axiom in politics," thundered Vice President HUBERT H. HUMPHREY to Democratic Party chairmen after he had enumerated a long list of new multimillion-dollar measures passed by Congress: "Let the people know what you've done for them, and they'll treat you right."

"So I call upon each of you," he went on, "to spread the word from the biggest city to the smallest town and tell the people what we've done for them."

The exhortation was the signal for the release of a flood of words that citizens are now hearing every day about the wondrous gifts pouring down upon them from Washington. But a look behind this buy-off strategy reveals that the political speech-makers have failed to mention one sobering fact: the menace spawned by the Great Society's gigantic federal spending.

Though this menace endangers us all, it holds particular peril for citizens over 65. Relentlessly it shatters their dreams, destroys their dignity and brings dread into their lives. Systematically it strips away their small fixed incomes, undermines their insurance protection, robs their savings, plunders their private pensions and steals their Social Security benefits. It is inflation, the No. 1 enemy of 19 million older Americans.

They never catch up: Consider how the merciless price spiral of inflation strikes hardest at those who can never catch up:

In Pennsylvania a bright-eyed 80-year-old man confesses that he cannot afford to live much longer. "I thought I had all the savings I'd ever need, but food and rent keep costing more. It won't be too long before I run out of money," he says. "That worries me more than dying."

A 67-year-old widow in Florida declares: "My Social Security benefits shrink every time I go to the store. The President is concerned about the cost of steel—but what has he done to curb food prices?"

A young mother of three children in Nebraska says, "Granddad had to move in with us because his retirement money was just eaten away. It's breaking his heart because he is no longer independent. That's more important to him than anything."

An 85-year-old woman in Washington, D.C. is looking for a \$50-a-month room with a hot-plate because she can no longer afford to live in a commercial hotel. "My savings have been wiped out by high costs," she says. "I'm just sliding down into poverty."

In Ohio a retired barber exclaims: "Doesn't our government in Washington realize how badly it is bleeding those of us on fixed incomes?"

Such cases can be multiplied by the millions. They tell of the terrible penalty that inflation is imposing on those who can least afford it. And what is happening to them should serve as a frightening warning to all, for none of us can escape the consequences of the daily dilution of the dollar.

Every day 3800 Americans turn 65. Only then do many suddenly realize that each five dollars they put aside before World War II now brings home just \$1.85 in groceries. And what of 44,500,000 citizens under 65 with savings, and 25 million persons covered by private pension plans? If costs climb as they have in the past, people now 40 years old could at age 65 pay \$2.19 for

a dozen oranges, 72 cents for a head of lettuce, \$3.10 for a pound of round steak and \$5.92 per pound of lamb chops.

Or how about the 80 million persons who forked over \$9 billion in Social Security taxes last year? Will they someday find that, despite the promises heralding federal old-age insurance, inflation has made a mockery of this "protection"? Unless the lessons of the past quarter-century are meaningless, they will. In 1940 the highest monthly payment to a retired couple was \$68.40 per month. Now it is up to \$152.50 for that couple. Yet in purchasing power the benefit buys \$1.32 less per month than the much smaller pension did 26 years ago!

Such is the consequence of gigantic deficit spending: the resultant inflation takes away with one hand what the government so grandly gives with the other. It unquestionably means that older citizens must receive larger pensions just to survive. It also means higher levies on everyone's wages. And those covered by expensive new benefit programs such as Medicare will discover that no plan guards their pocketbooks against growing market bills.

Ponder this one set of facts: More than 5,500,000 persons 65 and over try to exist on \$2000 or far less per year, and at least 60 percent of their money goes for food. Yet in a recent 12-month period meat prices in major U.S. cities jumped 21 percent, and non-meat substitutes rose 12 percent, not to mention other items. That's how our elderly are victimized, even as the system supposedly helps them. That's why they keep falling behind.

BEDAZZLED BY BENEFACTORS

Despite the cruel hoax, untold numbers of citizens over 65 have been bedazzled into believing that Washington's money dispensers are their true benefactors.

This masterful feat has been achieved by the mobilization of tens of thousands of the elderly into a gigantic "pressure" organization which, by the record of its own words and actions, is actually little more than a political pawn of the current administration. Called the National Council of Senior Citizens, it parades as a "non-partisan" group and is permitted to enjoy tax exemption, yet works hand in glove with one party, pummels its members with Great Society propaganda and promotes ever-larger federal ventures which too often are not even remotely helpful to the elderly.

Most significantly, this nationwide apparatus represents a cynical new grab for the votes of our older citizens. Its techniques typify an alarming trend toward exploiting huge minority segments of the U.S. population. How it started and grew to phenomenal size tells much about both the plight of our elderly and their pathetic vulnerability to political opportunists.

Baiting the Trap. Prior to the formation of the council, many older people belonged to some 7000 local recreational and community-service clubs which had approximately four million members. What if they could be lured into one enormous "action" network with medical-care legislation as the bait? In 1961, during a conference on the aged at the University of Michigan, labor leaders, welfare workers, government "specialists" and social scientists began hammering at this seductive theme: Why not organize the elderly and provide them with "spokesmen" to "articulate" their views?

Some recent history showed that it could be done. During the 1960 Presidential election the Democrats had put together an impressively effective Senior Citizens for Kennedy Committee. And the man who headed it, former Rep. Alvin J. Forand, a Democrat from Rhode Island, had crisscrossed the nation making scores of contacts with groups of the elderly.

Thus it was that on August 25, 1961, a lengthy appeal letter under the heading "National Council of Senior Citizens Health Care Through Social Security" (the longer title was later dropped) was mailed from a hotel office on Capitol Hill to 1900 leaders of the elderly. The solicitation, signed by Forand, said that the new council's "primary purpose" was "to weld senior citizens' organizations and millions of individuals from all over the country into one strong and effective voice in Washington."

The AFL-CIO swiftly threw in its support, and unions such as Walter Reuther's United Auto Workers and the United Steel Workers not only provided leadership but brought over thousands of their retired members belonging to senior citizens' clubs. In less than two weeks the council claimed commitments from groups totaling 65,000 persons.

Propaganda Unlimited. As the council battled for Medicare, it wielded all the tools of a well-oiled pressure machine. Speakers' bureaus provided orators for service clubs, church groups and social gatherings. Across the nation thousands of rallies were staged. Detailed instructions went out on how to write Congressmen.

All the while the council posed as a "non-partisan" organization to ensure success of its intensive membership drive. But this was only a facade. Over a four-year period the Democratic National Committee had been quietly pumping thousands of dollars into the council's coffers. During 1962 and 1963 the pipeline fed in \$45,000, and in the next two years \$50,000 more was "contributed" to the council kitty. These political subsidies have never been mentioned in the council's monthly newspaper.

But consider what has been discussed. The council has claimed it "had a hand in ensuring" that four members of the House Ways and Means Committee "were rejected by their constituents" in the 1962 and 1964 elections. Yet the Internal Revenue Service's instructions specify that "participation in a political campaign on behalf of or in opposition to a candidate for public office will preclude tax exemption."

By January 1964 more than 1700 affiliated older people's clubs had been signed up, with a combined membership of nearly two million persons. The passage of Medicare legislation the following year was a heady experience. Four of the council's Washington headquarters staff were invited to fly in President Johnson's aircraft to Independence, Mo., for a ceremonial bill-signing. Not long after, a call went out to members for greater efforts—because "many of those in positions of power can only be moved to action when they are jolted by mass-membership organizations."

And now, with health care on the books and membership growing by 20 new affiliate clubs every month, the council showed its real claws.

Payoff to AFL-CIO. One huge IOU was to organized labor. So a first order of business last fall was to line up battalions of older people behind the big administration-labor drive to have Congress repeal the right-to-work provision which permits workers to hold jobs without belonging to a union. Council President John W. Edelman, a former lobbyist for the Textile Workers Union in Washington, evangelized his two million members with the gospel that repeal "is an essential step in the construction of the Great Society." It is hard to imagine how this would benefit those who are retired.

Today the council continues to flex its muscles on a wide front. It publicly calls itself "a powerful political force" and brags that its officers are invited to the White House "on many occasions, and their advice is sought on many national problems."

Wielding its big-membership stick, it has faithfully beaten the drums for Presidential spending proposals. Nothing is said, however, about the additional debt and inflation that will ensue when each big project drains more booty out of the federal till. In fact, the council has backed the administration on raising the minimum-wage level—*despite authoritative testimony that the consequent boost in prices will hit the elderly the hardest.*

Last June the Great Society followed up when council delegates met in Washington for their annual convention. Buses took them from their Statler Hilton headquarters to the White House rose garden. There President Johnson pledged an across-the-board Social Security increase for all 21 million beneficiaries. "I thank you from my heart for standing by us over the years," he declared.

Afterward, at a gala luncheon, a council official appealed for the reelection of 55 Democratic Congressmen in marginal districts. Then Vice President Humphrey stood up to speak. "I hope you will work hard for their re-election," he declared. "We'll deliver for you," he promised, "if you, your family and your friends work for the election of a solidly liberal Congress next November."

Herded and hoodwinked. Is this what our older citizens want—to be put on a political treadmill that keeps them panting in pursuit of federal handouts so long as they deliver votes to their benefactors on election day? Certainly there are millions who do not want to be herded like animals into a great voting bloc. Neither do they wish to become totally dependent on an ever-enlarging bureaucracy. But so long as inflation persists, they must be extended larger benefits just to keep their heads above water. Here's how we can help give them a fair break:

Our bureaucracy should stop pretending that inflation does not really exist, especially as it affects retired people. I have combed through piles of reports and studies on the aged by a variety of U.S. agencies and found very little specific material about the cost-of-living spiral. A recent report on the elderly, prepared for the Poverty Program, contains only six words specifically about inflation buried in its 28 pages. "Researching inflation's damages to the aged steps on sensitive toes in Washington, so you see very little about it," says Mabel Edwards, a research specialist on old age at the University of Iowa. Yet, as Yale economics professor Richard Ruggles has pointed out, expenditures for retired people are usually for rent, property taxes, urban transportation and medical care—all of which have risen even faster than the average of consumer prices.

Our gigantic federal welfare empire must stop inflicting preposterous double standards on older citizens. The Office of Economic Opportunity sets the overall poverty line at \$3,000 income per year and spends tax funds to teach the elderly new employment skills. Yet simultaneously the Social Security Administration penalizes older workers by holding back one dollar of benefits for every two dollars earned above \$1,500. Thus, those who otherwise might work their way out of poverty are thrown back into it again by Washington.

Our older citizens must be on the alert against those who are eager to exploit them for political purposes. The National Council of Senior Citizens should certainly drop its "non-partisan" cover and register as a lobbyist for either the AFL-CIO or the Democratic Party. And, on the basis of the council's political activity, its federal tax immunity should be carefully reviewed, and its receipts and expenditures should be made public.

If the Great Society continues to pursue inflationary policies, then the administration should tie Social Security benefit increases directly to price rises. Taxpayers obviously

would have to pay more into the Social Security fund to keep it solvent—but at least they would know the real price of fiscal irresponsibility.

We must admit that there can be no lasting hope for the elderly until inflation, their No. 1 enemy, is beaten back. This will happen only when unconditional war is waged against excessive, extravagant spending in every branch of our federal establishment. Otherwise, new gifts will always trail behind new prices. So let's end this demoralizing exploitation. Let's give our older citizens present and future, the greatest gift of all—a stable dollar.

SUPREME COURT TO RULE ON ELECTORAL COLLEGE

Mr. MUNDT. Mr. President, as the fall session of the U.S. Supreme Court opens this week, one of the most historical and significant suits confronting it will be the presentation by 13 associated States of the Union seeking to have our antiquated and inequitable electoral college procedures declared unconstitutional.

In this connection, I ask unanimous consent to have printed at this point in the RECORD a news release which I issued from my office on this subject this afternoon for release to tomorrow morning's news media.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

[For release Oct. 5, 1966]

"The Fall Session of the United States Supreme Court opening this week has before it an unprecedented suit on which the decision may remove from our American presidential electoral system a cancerous growth which, if left unattended, has the capacity to destroy the very concepts of democratic rule upon which our national body politic was founded," Senator KARL MUNDT, R-S.D., said in a statement issued from his office in Washington today.

Senator MUNDT said: "Led by Delaware's Attorney General, David P. Buckson, acting for his State, twelve other States have joined Delaware as plaintiffs in filing a suit now before the United States Supreme Court calling upon it to declare our obsolete, unjust, and inequitable electoral college system unconstitutional in view of the Court's earlier rulings insisting on the one-man, one-vote concept in the Alabama Reapportionment Case and others. Clearly, if this concept is sound for the election of Congressmen and legislators, it is equally sound and in all consistency must also be the constitutionally valid concept for election of President and Vice-President."

"The States joining in this epochal and unprecedented suit before the Supreme Court are as follows: Delaware, South Dakota, North Dakota, Oklahoma, Wyoming, Utah, Iowa, Kentucky, Pennsylvania, Florida, Arkansas, Kansas, and West Virginia. It is to be noted this list includes both large and small states, states with both Republican and Democratic governors, states from every area of the country. I salute the State of Delaware and Attorney General Buckson on taking the lead in this determined effort to right a long existing wrong, and I am especially happy my own State of South Dakota was the second in the Union to join in this history-making legal effort," MUNDT said.

MUNDT added, "The single most significant and damaging injustice in the field of Civil Rights today is the fact that individual citizen voters living in the State of New York, for example, actually cast more than 40 votes for President as counted in the electoral col-

lege while equally well-qualified and intelligent voters in Delaware have only 3 such votes and every other State in the Union except California suffers from a direct discrimination against its individual voters because of the 'weighted formula' employed in our electoral college system by its winner-take-all formula of reporting electoral votes. It is unthinkable—but it is tragically true—that in this day and age we should permit a candidate for President winning 51% of the vote of any State to be credited in the electoral college with all of the votes cast for his opponent as well as for himself by a unit-system of voting which ignores entirely the minority votes and actually counts them as though they had all been cast for the majority candidate. A serious injustice such as this in our electoral machinery not only distorts but can ultimately destroy the capacity of this self-governing Republic to reflect the wishes of its voters. It is in fact an elective device which creates a bonanza for self-seeking pressure groups—but it also provides a dangerous booby-trap on the road to continued political and economic stability."

Senator MUNDT of South Dakota has been a long-time advocate of electoral college reform and is the principal author of S.J. Res. 12, a proposal for a Constitutional Amendment carrying 12 co-sponsors, and proposing to re-establish in this country the so-called District Plan of choosing members of the electoral college and reporting votes for the Presidency which was used in the early Presidential elections of this Republic.

REVENUE SHARING

Mr. MILLER. Mr. President, in the Wall Street Journal for August 25, 1966, the lead editorial, entitled "Down the Drain," called attention to the fact that the expenditure by the Federal Government of hundreds of millions of dollars in an effort to help some of our cities meet their problems is not getting the job done, and that evidences of waste have made their appearance. The editorial calls for a solution in the form of the Federal Government returning some of the revenue to the States and cities, to enable them to deal with their difficulties, which they cannot do under the present state of our tax policy.

I ask unanimous consent that the editorial to which I have referred be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOWN THE DRAIN

Assume for the moment the currently fashionable line that the only workable cure for our cities' burgeoning ills is a heavy dollop of Federal money. What do you suppose could be accomplished with a really staggering sum, say \$100 billion?

Practically nothing, apparently. For, as Senator RIBICOFF observed the other day, the Federal Government has disbursed nearly that much—no one knows the exact figure, but he guesses \$96 billion—over the past 10 years. That decade has been marked by accelerating urban vexations over congestion, crime, housing, health, traffic and education, and the \$96 billion doesn't seem to have made a dent.

Indeed, Mr. RIBICOFF raises the possibility the funds may simply have been poured down the drain. "What are we getting for our money?" he wonders. "How effective, how wise—ineffective or unwise—how self-defeating, how bureaucratic have we been?"

The Connecticut Senator's concern has prompted him to open an inquiry into exactly those questions. His subcommittee on

governmental reorganization plans to spend two years on the subject, with an eye to increasing the efficiency with which Federal aid is distributed.

If the inquiry is to accomplish its aim, though, there are some other matters it should consider as well. As a former governor and Secretary of Health, Education, and Welfare, for example, Mr. RIBICOFF presumably does not doubt that the Federal Government should have a large role in shaping the destinies of the cities. Yet one of the questions his committee surely might ponder is whether that role has been getting too big too fast.

Even the present Welfare Secretary, John W. Gardner, who is surely no foe of Federal aid to cities, warned the committee on that score. "I think we should be particularly wary," he cautioned, "of the old American habit of spending a lot of money to still our anxieties."

More and more the idea has spread that nearly any problem, no matter where or what, must have a Federal solution. Along the way a lot of people seem to have lost sight of an old precept: That those on the scene are usually best able to spot the public's true needs and best equipped to meet them.

The erosion of that precept has been accompanied by a general sapping of initiative toward self-help, both at the city and state level. Instead, mayors and governors devote increasing energy currying favor with the pursekeepers in Washington and devising programs that will please them.

And that can take a lot of energy, for soliciting funds in Washington is a complex undertaking. There is a profusion of agencies, all generating a tangle of overlapping and contradictory programs, and the number seems to be increasing all the time. Untangling the snarl would mean eliminating or cutting back some of the agencies, a process that clearly does not suit the Government's present purposes.

What's worse, money flowing out of Washington is invariably meted out to achieve political goals. In the crassest cases, a so-inclined Administration and city hall can join in a particularly insidious form of "spend and elect." The massive amounts of money involved are certain to lure those who are more concerned with lining their pockets than with improving cities. This is especially true when the cash is being handed out by Federal planners, whose physical and psychological remoteness may make careful spending difficult.

But all that aside, even the most honest and best intentioned programs are of necessity wholesale affairs. No central body, however wise, could be expected to devise a single program to fit every need or to fashion many individual programs for individual situations.

The proof of that is the waste that worries Mr. RIBICOFF, and the problem won't be ended by a mere management overhaul in Washington. What's needed is a firm decision to keep the Federal managers within their capabilities. If that's done it might ease the Federal tax burden that denies cities and states the revenue they could reasonably be expected to put to better use themselves.

The trouble, after all, is not simply that the Federal Government has been doing something ineptly, but that it has been trying to do too much for too many all at once. If Senator RIBICOFF's hearing should happen to come up with that finding—and sell it to Congress—it would be taking a big step toward keeping a lot more of the taxpayers' money from flowing down the drain.

Mr. MILLER. Tying in with the same subject, Mr. President, is an excellent article on revenue sharing which appears in the August issue of Banking magazine, written by Mr. Wray O. Candilis.

The article discusses the concept of revenue sharing by the Federal Government with the States, and several plans which have been advanced. I regret that Mr. Candilis did not see fit to discuss my plan for sharing of revenue for the purposes of education, as embodied in S. 3405.

Indeed, Mr. President, I suggest that before we reach the point of an outright percentage of the Federal revenue collections being returned to the States, it is much more likely that Congress will limit the uses to which such revenue can be put, and perhaps, and hopefully, will use the education area as the No. 1 priority for that purpose.

I ask unanimous consent to have printed in the RECORD the article entitled "Revenue Sharing: A Solution to State Financial Problems," written by Wray O. Candilis and published in Banking magazine for August 1966, together with my bill, S. 3405.

There being no objection, the article and the bill (S. 3406) were ordered to be printed in the RECORD, as follows:

[From Banking magazine, August 1966]

REVENUE SHARING: A SOLUTION TO STATE FINANCIAL PROBLEMS

(By Wray O. Candilis)

(NOTE.—Dr. Candilis is an economist with the Department of Economics and Research of The American Bankers Association. The views expressed here are those of the author and do not necessarily reflect those of the A.B.A. or other members of its staff.)

The tremendous growth of state and local government expenditures since the end of World War II has given rise to demands for increased financial assistance by the Federal Government. These demands stem in the main from two theses: One is that the Federal Government's revenues will move upward faster than Federal expenditures; the other is that state and local authorities are somehow unable or unwilling or both to increase their revenues to the extent necessary to match their growing expenditures.

Various proposals have been put forward on the ways and means of achieving a better equilibrium between the fiscal policies of the Federal Government on the one hand and state and local authorities on the other. One of the most well-known proposals is attributed to Walter Heller, formerly chairman of the Council of Economic Advisers, who has expounded his views in numerous articles and lectures. Joseph A. Pechman of Brookings Institution has also written extensively on the subject and has filled many gaps and provided many details to Mr. Heller's original proposal.

Mr. Heller's proposal emanates in the main from the fact that during the last five years there has been a shift in economic thinking from the view that the Government's role should be restricted to efforts aimed at avoiding the extremes of a business cycle, to the position that would make the Government responsible for a sustained economic growth at close to capacity levels. This is what is known as the New Economics.

RIISING EXPENDITURES

Turning for a moment to the financial condition of state and local governments we see that spending has been growing recently at an unprecedented annual rate of 8% to 9% a year, much faster than gross national product. Total general expenditures jumped nearly eight-fold from \$8.9-billion in 1944 to \$69.3-billion in 1964. The nation's growing economic affluence plus the fact that most governmental services are primarily the responsibility of state and local governments, have generated an increased demand for

more, better, and costlier governmental services.

Federal grants to state and local governments have gone up just over ten times between 1944 and 1964, and about 3.4 times between 1954 and 1964. They amounted to \$954,000,000 in 1944, rose to \$2,966,000,000 in 1954 and to \$10,002,000,000 in 1964. Taxes of state and local governments have gone from \$8,774,000,000 in 1944 to \$47,785,000,000 in 1964, an average increase of about \$2-billion a year. State and local government debt has also jumped from a \$17,479,000,000 level in 1944 to \$92,222,000,000 in 1964.

Almost the entire increase in local tax collections and 44% of the combined state-local increases came from higher property tax revenues during the 1954-1964 period. New construction and higher property values contributed substantially to the property tax base and tax rates were increased significantly, but in many areas property rates are already too high and further increases are deemed to be undesirable. Consumer taxes provided for 33% of the 1954-1964 tax increases, while only 10% came from income taxes.

In addition, to face the heavy demands upon their budgets, five states from 1952 to 1964 have entered the general sales tax field, and two-thirds of the 33 states with general sales taxes in 1952 raised their rates. Nineteen states now have 3% sales tax rates and eight states have rates in excess of 3%. Between 1946 and 1963, 14 states instituted a tax on cigarettes, and four states added an individual income tax. Only last spring 26 governors asked for tax increases of various kinds, while others have warned their legislatures that increased taxes are a future necessity. Local governments in several states have moved into sales and payroll taxes and the end is nowhere in sight.

Despite these developments to date, state and local governments will continue to face a wide variety of public needs and, since they are not likely to curtail their responsibilities and have in many instances reached the limit in tax expansion, they will gradually become more and more dependent upon financial assistance from the Federal Government.

As Walter Heller has said repeatedly, one tends at the Federal level to think of economic growth as generating revenues faster than increased demands for expenditures; but at the state and local government level, automatic revenue growth is much more sluggish than in the progressive, income tax oriented Federal tax system. In addition, most of the needs that are associated with economic well-being tend to fall largely within the traditional sphere of state and local functions and responsibilities. For example, educational facilities care for the mentally ill and the aged, recreational facilities, urban redevelopment, local transportation, sanitation, water and air pollution, etc. Consequently at the state and local level, unlike the Federal level, one thinks of economic growth as generating expenditure demands faster than tax revenue.

Furthermore the forces that generate the increases in state and local spending are expected, not only to persist, but to multiply in the next few years. The total population and the proportion of it consisting of older people and of those living in the relatively costlier urban areas will continue to rise. The latest figures show that in 1964 there were 85 persons under 18 or over 64 for every 100 persons between 18 and 64.

This relationship between the most expensive age groups and the economically productive years is called the dependency ratio. Having reached a low of 60 in 1940 the ratio has been rising ever since with Census Bureau projections showing that it will go up to 88 in 1980. Apart from the increase in population there is the growth of the suburbs with their continuous demands for new

roads, new schools, new sewer systems, new parks, new firehouses.

HELLER-PECHMAN PLAN

To cope with these increasing pressures for funds, Mr. Heller thinks that it would not be at all reasonable to rely less on the progressive Federal income taxes while leaning ever more heavily on regressive state-local property, sales, and excise taxes. There is definitely more to be said for reliance on fiscally potent income taxes for the purpose of relieving some of the pressures on the weaker and poorer taxes. In consequence, Mr. Heller's suggestion is that a more generous allotment of Federal funds to the states and localities by methods that will strengthen their independence as well as their capacity to serve their citizens, would be in order.

The method suggested by Mr. Heller for the allotment of Federal funds, although not expounded in detail, would consist of an automatic formula for sharing part of the income tax revenue with the states; at first it would be some \$2.5-billion with the amount increasing gradually as Federal revenue increases.

Joseph A. Pechman came up with a proposal of his own recently which is very similar to that promulgated by Mr. Heller. Federal financial assistance to state and local governments, he says, is now given almost entirely in the form of grants to support specific types of government service. Total Federal grants-in-aid amounted to about \$13-billion in fiscal 1966, and will go to nearly \$15-billion in fiscal 1967.

The main advantage of such specific grants is that the Federal Government regulates the conditions under which the funds are spent and through matching provisions it can insure that Federally supported programs receive state support as well. Mr. Pechman is of the opinion, however, that there are many state-local services of national importance that cannot be appropriately dealt with by specific grants, and suggests the adoption of a general assistance program that would be better fitted to meet the growing needs and preferences of states and localities.

The question that Mr. Pechman brings up in the search for the development of a method to assure the states and local governments of a dependable source of funds that will grow with their needs are (1) how should the funds be allocated among the states, and (2) what constraints should the Federal Government impose on the use of the funds.

The optimum solution to the first question would be to allocate the funds according to the needs for public services and to their fiscal capacity. Since this would be extremely difficult, population could be used to measure the relationship between need and capacity; and since residents of high income states pay more Federal taxes per capita than residents of low income states, distribution on a per capita basis would redistribute resources from high to low income states. Poorest states could be further assisted by reserving a part of the Federal funds to be distributed for the states with the lowest per capita income.

Regarding the second question, experience during the last several years indicates that without central direction, state governments do use Federal grants for their most essential requirements. It could be said, of course, that it is bad financial management for the Federal Government to give away funds without at least some supervision, but this could be remedied by requiring the governors to file statements showing the plan for the use of the funds in detail. As guidance for the development of such plans, Congress might indicate the general areas which it regarded most urgent, including the needs for making funds available for local government services.

TO JAVITS ON JAVITS PLAN

In October 1965, Senator JACOB K. JAVITS (R., N.Y.) introduced a bill to establish a tax-sharing formula to distribute to the states, and through them to local governments, a portion of Federal tax revenues. Representative OGDEN R. REID (R., N.Y.) introduced identical legislation in the House. Senator JAVITS summarizes the bill, which actually implements the Heller-Pechman plan, in the following eight points:

(1) Establishment of a trust fund in which 1% of aggregate taxable income would be deposited from the Treasury, beginning July 1, 1967.

(2) Payments from the trust fund to the states under the following formula: (a) 80% would be distributed on the basis of population; (b) 20% of the fund would be paid each fiscal year to the 13 states with the lowest per capita income.

(3) No state could receive a total payment for a fiscal year in excess of 12% of the trust fund in that year.

(4) A state may use its allotment of funds for programs in the field of health, education, and welfare.

(5) To benefit from the plan, a state must file the necessary reports with the Secretary of the Treasury, the Comptroller General, and the appropriate committees of Congress.

(6) Failure to comply with the prescribed conditions would require cancellation of future payments and permit re-allocation of the remainder of a state's allocation to other states.

(7) The state must distribute to its local governments an equitable portion of its allotment.

(8) Appropriations committees of both Houses and the Finance Committee of the Senate and Ways and Means Committee of the House must conduct a complete study of the operation of the trust fund and provide such legislative recommendation as appropriate.

Under the circumstances prevalent today and with the resources available to them, states are unable to meet their growing needs and perform important functions conferred upon them under our present federalistic system. States and local governments could rely more heavily on the regressive property, sales, and excise taxes, or could completely relinquish their functions to the Federal Government. These solutions however would be opposed by most of the parties concerned.

ALTERNATE SOLUTION

A tax-sharing plan, on the other hand, would provide the states with funds from income taxes and would also take into account the unequal distribution of income among the states. It has been said that tax sharing would postpone the much needed tax reform at the state and local levels, however there seems to be no indication that specific grants and matching funds that are already being disbursed by the Federal Government have had any procrastinating effect on the taking of any action in relation to tax reforms.

Another objection to the Heller-Pechman unconditional Federal grants plan is the existence of a risk that the funds will be mis-spent since they will be extended to the states with no strings or with very few strings attached. Although Mr. Pechman is not overly worried about the necessity of centrally directing or coercing state governments, both he and Senator JAVITS, while allowing considerable flexibility for each state to meet the needs it considers most urgent, would require the states to use the funds in specific areas such as health, education and welfare, and would ask them to file statements to the appropriate Federal authorities showing the purposes for which they plan to use the funds.

The basic philosophical objection to Federal grants, that is objection to further con-

centration of political power, is exactly the reverse of the position taken by those critics who are suspicious of the states and apparently convinced of the infallibility of the Federal Government. Mutual suspicions however, should not be allowed to obstruct a clear understanding of the requirements of an interdependent Federal-State system, existing against a background of an ever-changing, modern economic world.

A bill to provide for the sharing of Federal tax receipts with the States for purposes of education

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Tax-Sharing Education Act of 1966".

SEC. 2. (a) There is hereby established in the Treasury of the United States a fund to be known as the tax-sharing fund. The tax-sharing fund shall consist of amounts appropriated to such fund as provided in this section.

(b) There is hereby appropriated to the tax-sharing fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1968, and for each fiscal year thereafter, an amount equal to 2 per centum of the total Federal tax collections received during the preceding fiscal year.

(c) The Secretary of the Treasury (hereinafter referred to as the "Secretary") shall, from time to time, but not less often than quarterly, transfer from the general fund of the Treasury to the tax-sharing fund the amounts appropriated by subsection (b). Such transfers shall, to the extent necessary, be made on the basis of estimates by the Secretary of the amounts referred to in subsection (b). Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 3. (a) The Secretary shall, during the fiscal year beginning July 1, 1968, and during each fiscal year thereafter, pay to each State, from amounts appropriated to the tax-sharing fund for the fiscal year in which payments are to be made, a total amount equal to the allotment of such State in such fiscal year computed under this section. Such payments may be made in installments periodically during any fiscal year, but not less often than quarterly.

(b) (1) From the total sum of the amounts appropriated to the tax-sharing fund pursuant to section 2 for any fiscal year, the Secretary shall allot to each State in such fiscal year an amount which bears the same ratio to such total sum as the population of such State between the ages of five and twenty, inclusive, bears to the total population of all of the States between the ages of five and twenty, inclusive. The allotment of each State in any fiscal year so computed shall be reduced or increased in accordance with the provisions of paragraph (2) of this subsection.

(2) (A) Each such allotment computed under paragraph (1) shall be increased in the case of those States whose annual per capita income is less than the average annual per capita income of all of the States and shall be reduced in the case of those States whose annual per capita income is greater than the average annual per capita income of all of the States. The amount of any such increase or reduction to be made with respect to the allotment of any State shall be computed by multiplying such allotment by the percentage by which the annual per capita income of such State is less or greater, as the case may be, than the average annual per capita income of all of the States.

(B) Each such allotment computed under paragraph (1) shall be reduced in the case of those States in which the annual cost of

living falls below the average annual cost of living of all the States and shall be increased in the case of those States in which the annual cost of living exceeds the average annual cost of living of all of the States. The amount of any such reduction or increase to be made with respect to the allotment of any State shall be computed by multiplying such allotment by the percentage by which the annual cost of living of such State falls below or exceeds, as the case may be, the average annual cost of living of all the States.

(c) For purposes of this section—

(1) The population of a State between the ages of five and twenty and of all the States between the ages of five and twenty shall be determined by the Secretary on the basis of the most recent data available from the Department of Commerce.

(2) The per capita income of a State and of all the States shall be determined by the Secretary on the basis of the most recent data available from the Department of Commerce.

(3) The cost of living of a State and of all the States shall be determined by the Secretary on the basis of the most recent data available from the Bureau of Labor Statistics, Department of Labor, relating to the Consumer Price Index.

Sec. 4. (a) Each State may use payments from its allotment in any fiscal year under section 3 for activities, programs, and services in the field of education, including activities, programs, and services provided with respect to elementary and secondary schools, vocational and technical schools, and institutions of higher learning.

(b) Whenever the Secretary, after giving reasonable notice and opportunity for a hearing to a State, finds that such State (1) has used any amount of such allotment for purposes not within the scope of subsection (a), or (2) has not obligated any amount of such allotment within two fiscal years immediately following the fiscal year in which such allotment was made, the Secretary shall give notice of his intention to subtract, from any subsequent allotment or allotments to such State, a total amount equal to the amount referred to in clause (1) or (2). The State may, within thirty days following notice of such intention, appeal the decision to the United States District Court for the District of Columbia. In the event of any reduction in the allotment of any State in any fiscal year under this subsection, the Secretary shall reallocate and pay the amount of such reduction to other States in proportion to the original allotment to such States under subsection (b) of section 3 for such year.

Sec. 5. (a) (1) Any State desiring to receive its allotment in any fiscal year under this Act shall certify and provide satisfactory assurance to the Secretary that such State will—

(A) use such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and ac-

counting for any allotment paid to such State;

(B) make such accounting reports to the Secretary and the Comptroller General, in such form and containing such information as the Secretary and Comptroller General may reasonably require to carry out their functions under this Act; and

(C) adhere to all applicable Federal laws in connection with any activity, program, or service provided solely or in part from such allotment.

(2) For purposes of this subsection, the provisions of title VI of the Civil Rights Act of 1964 shall be deemed to be applicable to any activity, program, or service provided solely or in part from any allotment received by a State under this Act.

(b) Whenever in any fiscal year the Secretary, after giving reasonable notice and opportunity for hearing to a State, finds that such State is not in substantial compliance with subsection (a), the Secretary shall, subject to appeal as provided in subsection 4(b), cancel any subsequent payments to such State under this Act in such fiscal year and reallocate any remainder of the allotment of such State for such fiscal year to other States in proportion to the original allotments to such States under subsection (b) of section 3 for such fiscal year.

Sec. 6. The Secretary shall report to the Congress not later than the first day of March of each year on the operation of the tax-sharing fund during the preceding fiscal year and on its expected operation during the current fiscal year. Each such report shall include a statement of the appropriations to, and the disbursements made from, the tax-sharing fund during the preceding fiscal year and an estimate of the expected appropriation to, and disbursements to be made from the tax-sharing fund during the current fiscal year.

Sec. 7. As used in this Act, the term "State" includes any of the several States and the District of Columbia.

ADJOURNMENT

Mr. MILLER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 48 minutes p.m.) the Senate adjourned until 12 o'clock meridian tomorrow, Wednesday, October 5, 1966.

NOMINATIONS

Executive nominations received by the Senate October 4, 1966:

DIPLOMATIC SERVICE

William R. Rivkin, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of

the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to The Gambia.

POSTMASTERS

The following-named persons to be postmasters:

INDIANA

Loran B. McMaster, Jr., Romney, Ind., in place of G. G. Barker, retired.

Edward P. Nonnweiler, Velpen, Ind., in place of Edna Russell, deceased.

IOWA

Donald C. Roe, Gardner, Iowa, in place of M. L. Swaney, retired.

LOUISIANA

Clyde H. Martin, Crowley, La., in place of T. W. McGinn, Jr., retired.

MASSACHUSETTS

William O. O'Reilly, West Dennis, Mass., in place of J. R. Fisher, resigned.

MICHIGAN

Urban R. Whalen, Big Rapids, Mich., in place of G. A. Wright, Jr., retired.

Elanor L. Tanner, Salem, Mich., in place of J. A. Thomasson, deceased.

NEBRASKA

Charles D. Adams, Auburn, Nebr., in place of L. V. Jones, retired.

NEW YORK

Charles H. Knox, Copake, N.Y., in place of H. G. McGee, retired.

John J. Lenhart, Hempstead, N.Y., in place of F. B. Bertrand, retired.

OKLAHOMA

James R. Jobe, Chickasha, Okla., in place of L. E. Null, retired.

Turner Q. Poindexter, Wilson, Okla., in place of H. H. Puckett, deceased.

PENNSYLVANIA

Lloyd N. McCray, Columbus, Pa., in place of E. H. Blanchard, retired.

Ethel V. Zoltani, Conway, Pa., in place of A. A. Short, retired.

TENNESSEE

William A. Myers, Hermitage, Tenn., in place of B. H. Parrish, retired.

TEXAS

Maybelle J. Larsen, Rock Island, Tex., in place of W. L. Mayes, Jr., deceased.

VIRGINIA

Mary W. Pearson, Manquin, Va., in place of R. D. Muire, transferred.

WASHINGTON

Sarah E. Robbins, White Swan, Wash., in place of E. B. Ward, retired.

WEST VIRGINIA

Emmett A. Adler, Follansbee, W. Va., in place of J. L. McMahon, retired.

EXTENSIONS OF REMARKS

Agricultural Imports

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1966

Mr. BERRY. Mr. Speaker, agricultural imports during the fiscal year 1965 totaled \$4.4 billion, which marks the greatest 1-year jump since the Korean

war. The true impact of these imports on the American economy is being investigated by a special committee of the House.

This 1-year increase of 12 percent is belittled by the Department of Agriculture which claims that our exports far surpass our imports and therefore we are enjoying a favorable balance of trade. The facts do not bear this out, however.

While we do have an export trade of \$6 billion a year, more than \$1.6 billion is given away under Public Law 480, and another \$42 million under Public Law

665. More than \$1 billion of the remaining amount receives export payments of some kind. Therefore, the true amount of our export trade which is in commercial sales for dollars is actually about \$1 billion less than the amount which we import. We have an agricultural trade deficit in fact, despite the claims of the Department of Agriculture. This year, the influx is being led by beef imports, up more than 100 million pounds so far this year over the 1965 level.

This policy is growing more costly to the American producer each day.